EXHIBIT 1

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

DPH HOLDINGS CORP., et al.,

Reorganized Debtors.

Chapter 11

Case No. 05-44481 (RDD) (Jointly Administered)

DECLARATION OF JOHN BROOKS

John Brooks declares, under penalty of perjury, as follows:

- 1. I submit this declaration in support of the Reorganized Debtors' Omnibus Response To Defendants' Submissions And Oppositions To Motion For Leave To Amend Based On October 22, 2009 Supplemental Postconfirmation Extension Of Avoidance Action Service Deadline Motion (the "Response") in certain preference actions filed in the above-captioned chapter 11 proceedings (the "Chapter 11 Cases"). Capitalized terms not otherwise defined in this declaration have the meanings ascribed to them in the Response.
- 1. Except as otherwise indicated, all facts set forth in this declaration are based upon my personal knowledge and my review of relevant documents and data.
- 2. Since October 6, 2009, I have served as the President of DPH Holdings Corp., on behalf of itself and each of the company's subsidiaries in their capacities as reorganized debtors and on behalf of the chapter 11 estates being administered by DPH Holdings Corp. (collectively, "DPH").
- 3. In my position as President, I have had, and continue to have, responsibility for administering, and otherwise overseeing, the prosecution of preserved preference claims for the benefit of the chapter 11 estates.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 3 of 944

- 4. Following my appointment as President of DPH, I became aware that 177 preference claims ("Preference Actions") had been preserved; that such actions had been filed under seal and that an order had been entered by the Court that extended the time in which DPH could serve the Preference Action summonses and complaints.
- 5. I reviewed the Preference Actions with the information that was available to me, which included one or more meetings with individuals who had knowledge of these claims. My review also included review of information and consultation with individuals on the potential claim value of each preserved action. Following my review, I made the business decision that it was in the best interest of DPH to proceed with all Preference Actions.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on August <u>3</u>, 2011.

John Brooks

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK Case No. 05-44481-rdd In the Matter of: DPH HOLDINGS CORP., ET AL., Debtors. U.S. Bankruptcy Court 300 Quarropas Street White Plains, New York June 21, 2011 10:10 AM B E F O R E: HON. ROBERT D. DRAIN U.S. BANKRUPTCY JUDGE

1 2 Hearing Re: Whether the Reorganized Debtors' Proposed Amended Complaints meet the Rule 8 pleading standard pursuant to 3 4 Twombly and Iqbal and also comply with the Dismissal Order 5 entered by this Court on September 7, 2010. 6 7 Hearing Re: Whether certain individual preferential transfers 8 alleged in the Proposed Amended Complaints, but not alleged in 9 the Original Complaints, should now be dismissed because they 10 do not relate back to the dates the Original Complaints were 11 filed. 12 13 Hearing Re: With respect to Defendants that raise a contract 14 assumption defense at the hearing, whether the factual disputes 15 between the Reorganized Debtors and those Defendants warrants 16 further discovery and investigation. 17 18 Hearing Re the Fourth Extension Challenges. 19 Hearing Re: The procedures to be implemented to adjudicate the 20 21 case-sensitive, nonpleading-based, factual issues that the Defendants originally raised in their Motions to Vacate and 22 Dismiss, and then raised again in opposition to the Motions. 23 24 Those issues include, by way of example and not limitation,

issues related to notice and prejudice in connection with the

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1 Rule 4(m) orders.

25 Transcribed by: Dena Page

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 $_{21}$ - 11 Pg 25 of 944

1	PROCEEDINGS
2	THE CLERK: All rise.
3	THE COURT: Please be seated.
4	Okay, good morning. In re DPH Holdings.
5	MS. HAFFEY: Good morning, Your Honor.
6	Good morning, Your Honor. I'm Cynthia Haffey from the
7	law firm of Butzel Long representing the reorganized debtors in
8	forty-seven of the preference cases subject to today's hearing.
9	Also here, today, is the law firm of Togut, Segal &
10	Segal which as conflicts counsel, represents the reorganized
11	debtors in the remaining preference actions.
12	Seated with me at counsel table this morning are Bruce
13	Sendek, Sheldon Klein, all from Butzel Long. Along with
14	myself, Mr. Klein and Mr. Sendek will be addressing issues that
15	arise from the reorganized debtors' motions for leave to amend
16	their original complaints, as well as from the motion that was
17	filed by certain of the preference defendants requesting relief
18	from the Court's fourth order extending the time to serve the
19	preference complaints.
20	If I may, Your Honor, first, in the interest of
21	housekeeping, and very briefly by way of background, I thought
22	I'd give the Court a status as to the preference actions in
23	total. As this Court may recall, we filed a total of 179
24	preference complaints. And Butzel Long is counsel in 168 of
25	those cases, and Togut, as I said earlier, has the balance of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 22 - 11 Pg 26 of 944

- 1 the actions.
- 2 Prior to filing the motions for leave to amend, the
- 3 Butzel actions were reduced; we resolved 45 of those 168. So
- 4 when we filed the motions for leave to amend in September, we
- 5 filed in 123 of those actions.
- 6 Since filing those motions to amend, we have resolved
- 7 an additional 52 of those 123 cases, so of only 168 cases, only
- 8 71 remain. Of those, we've had several cases in which we have
- 9 not had counsel file an appearance, and we have twenty-four of
- 10 those actions where the motion, today, is unopposed. And I
- 11 will ask Mr. Milin from Togut to give you a brief update on the
- 12 Togut cases, Your Honor.
- THE COURT: Okay.
- MR. MILIN: Your Honor, we filed eleven actions.
- 15 We're down to six. Of the six, there are three who have filed
- 16 motions. One of them does not raise Rule 8 issues and so it
- 17 won't be at issue today. Of the two that do raise Rule 8
- 18 issues, one, we've reached a settlement in principle leaving a
- 19 sole defendant at issue today.
- THE COURT: Okay.
- 21 MS. HAFFEY: Now, regarding today's agenda, the Court
- 22 may recall that back in December -- I think it was December
- 23 17th of 2010 -- there was a conference call between the parties
- 24 and the Court in which the issue of today's agenda was
- 25 discussed and agreed upon. Prior to that call, the Butzel firm

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 23 - 11 Pg 27 of 944

- 1 sent this Court a list of its proposed issues, and the Honigman
- 2 firm, generally -- and I believe the Dickinson Wright firm, if
- 3 I recall, Your Honor, generally on behalf of the responding
- 4 defendants, each submitted a proposed hearing agenda to
- 5 chambers, as well.
- 6 On the call, the parties agreed to work from the
- 7 defendants' agenda list, and during that call, this Court
- 8 decided what issues that it would hear today. And those can be
- 9 summarized into five topics.
- First, whether the reorganized debtors' proposed
- amended complaints meet the Rule 8 pleading standard under
- 12 Twombly and Iqbal as well as under this Court's dismissal order
- that was entered on September 7, 2010.
- 14 Second, whether individual preferential transfers that
- 15 are alleged in the proposed amended complaints, but that were
- 16 not alleged in the original complaints, relate back to the
- 17 original complaints.
- 18 Third, to the extent that there is a defendant who
- raises a contract assumption defense today, whether the
- 20 reorganized debtors have sufficiently investigated the defense
- 21 and dispute in good faith such that dismissal at this stage is
- 22 unwarranted.
- Fourth, in addition to those issues, as I mentioned a
- 24 moment ago, we also have a motion that was filed by certain
- 25 defendants seeking relief from the Court's fourth order under

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 24 - 11 Pg 28 of 944

- 1 Rule (m) (sic).
- 2 And then finally, the Court also advised that it would
- 3 address today what procedures it would put in place to
- 4 adjudicate the case-sensitive, nonpleading-based, factual
- 5 issues that the defendants originally raised in their motions
- 6 to dismiss, to vacate and then raised again in their
- 7 oppositions to the reorganized debtors' motion to seek leave.
- 8 And those issues include, by way of example but not limitation,
- 9 issues related to notice and prejudice in connection with the
- 10 Rule 4(m) orders.
- In presenting today's argument, let me just --
- 12 THE COURT: Let me just interrupt you there.
- MS. HAFFEY: Sure.
- 14 THE COURT: Do the objectors agree with that agenda?
- MR. SULLIVAN: No, Your Honor.
- 16 THE COURT: Okay.
- 17 MR. SULLIVAN: I was going to get into a little bit of
- 18 an introductory argument, but just -- if you want me to limit
- 19 it to just the agenda --
- 20 THE COURT: No, I just want to focus on the agenda.
- 21 MR. SULLIVAN: Okay. James Sullivan from Moses &
- 22 Singer, counsel for the Timken Company and the Timken
- 23 Corporation.
- Your Honor, it took a while, but the defendants really
- 25 have been trying their best to try to work collaboratively

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₂₅ - 11 Pg 29 of 944

- 1 together, and the group decided, for some reason, to elect me
- 2 to represent them in laying out what they proposed should be
- 3 the agenda for today's hearing.
- 4 And to start, Your Honor, the defendants would like to
- 5 address the defendants' failure to abide by the Court's
- 6 directives during -- I'm sorry -- address the
- 7 debtors'/plaintiffs' failure to abide by the Court's directives
- 8 during the December 17th status hearing. Specifically, the
- 9 debtors were ordered to individually brief each of the
- 10 arguments raised by the defendants, and second, the debtors
- were ordered to respond to requests for documents and
- information bearing on the contract assumption and release
- issues by early January. The plaintiffs have done neither of
- 14 these things. They failed to comply, and this issue was
- 15 noticeably omitted from the plaintiffs' proposed agenda.
- Ira Herman will be taking the lead on this issue,
- 17 and --
- 18 THE COURT: Well, isn't that subsumed, though -- the
- 19 latter point, isn't that subsumed in the contract assumption
- 20 issue?
- 21 MR. SULLIVAN: The latter point, yes, Your Honor, we
- 22 can address it in connection with the contract assumption, but
- aside and apart from the merits of that argument, it goes to
- 24 compliance with Your Honor's directives.
- 25 THE COURT: Okay, and on the first point, I treat that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₂₆ - 11 Pq 30 of 944

- 1 as subsumed within the Rule 8 leave to amend issues, although,
- I mean, in both cases, there's a burden of proof issue, and I
- 3 think the failure to respond is a burden of proof issue. So --
- 4 MR. SULLIVAN: Sure, Your Honor.
- 5 THE COURT: All right, so --
- 6 MR. SULLIVAN: Sure, Your Honor, but I thought it was
- 7 worth kind of --
- 8 THE COURT: All right, no, I understand. Okay.
- 9 MR. SULLIVAN: -- I thought it was a threshold issue,
- 10 Your Honor --
- 11 THE COURT: Fine.
- MR. SULLIVAN: -- may want to get into.
- 13 THE COURT: All right.
- MR. SULLIVAN: And that's why we thought that it
- 15 should be addressed up front.
- 16 THE COURT: All right, are there any other agenda
- 17 issues? And in particular, I had one, and I just wanted to
- 18 make sure that we're on the same page with this. Both counsel
- 19 for the plaintiffs have referred to the first issue as whether
- 20 the proposed amended complaints meet Rule 8 and the
- 21 requirements of my September 7th, 2010 order. That isn't the
- 22 only aspect of a Rule 15 motion.
- MR. SULLIVAN: Correct, Your Honor.
- 24 THE COURT: And while I understand that this was not
- 25 set up as a factual hearing on prejudice, for example, nor an

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₂₇ - 11 Pg 31 of 944

- 1 evidentiary hearing on prejudice, it would seem to me that if,
- 2 in fact, there are other aspects of the Rule 15(a) standard
- 3 that you all can show are not satisfied as a matter of law,
- 4 then that should be part of this, whether it's compliance with
- 5 Rule 8 or some other aspect of Rule 15(a). Am I missing
- 6 something on that?
- 7 MR. SULLIVAN: Your Honor, I think, among other
- 8 things, for example, bad faith, undue delay, and dilatory
- 9 motive are also components of Rule 15.
- 10 THE COURT: Right. Well, among other things, people
- 11 have asserted that they never got notice of the original
- orders. I mean, at some point, maybe this is not a factual
- issue; it's really an issue of law. I mean, I don't know. I'm
- 14 asking you all, is that something you all agreed to keep out of
- 15 this hearing?
- MS. HAFFEY: Your Honor --
- 17 THE COURT: And I'm making a distinction between this
- 18 not being an evidentiary hearing and a hearing where there is a
- 19 burden of proof, albeit a fairly light one on the plaintiff in
- 20 a motion to amend that it needs to carry, and there are
- 21 assertions that have been made that I'm not sure have been
- 22 rebutted in some respects that pertain to more than just Rule
- 23 8.
- MR. SULLIVAN: I agree, Your Honor.
- MS. HAFFEY: Your Honor, may --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 28 - 11 Pg 32 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: All right, let me -- I mean, it's a 2 question addressed to you as much as to the defendants. 3 MS. HAFFEY: Thank you, Your Honor. And I would refer the Court to page 33. The Court was wise enough to have a 4 5 transcript of our conference on December 17th, and on page 33, 6 line 3 and 4, when addressing the issue of the "no notice" 7 defendants, if I can refer to them in that category, the Court 8 said, "All right, I'm not going to deal with the notice issues 9 on the 17th." And at that time, this hearing was scheduled for 10 February 17th. So you expressly stated that we would not be 11 dealing with no notice at today's hearing. And in fact, 12 plaintiffs have relied on that --13 THE COURT: All right, but that wasn't in the context of the 4(m), as opposed to Rule 15? 14 15 MS. HAFFEY: It was in the context of Rule 15, Your It wasn't -- we dealt with the 4(m) later on in the 16 17 conference. 18 And then, in regards to the broader issues, in fact, 19 the conversation with the Court during the December 17th hearing was with Mr. Sullivan, and he was making some of these 20 21 arguments to the Court, and on page 36, the Court said that "I 22 understand that the people would like to have a complete resolution on their particular claim, but I don't think that 23

can happen on an omnibus basis. What can happen is an analysis

of the amended complaint and whether on its face, it's unlikely

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 29 - 11 Pg 33 of 944

- 1 to succeed and/or failing the Twombly-Iqbal standards, " and
- 2 that's already been briefed.
- 3 MR. SULLIVAN: Your Honor, the first thing I'd like to
- 4 say is that I think the plaintiff sort of did the defendants a
- 5 favor by not responding to a bunch of the arguments. I think
- 6 as a matter of law, you can find that they basically waived or
- abandoned the ability to oppose those arguments, and therefore,
- 8 we should win it as a matter of law on a host of different
- 9 issues. I attach as an exhibit to the Timken surreply, just
- 10 for something for informational purposes for the Court which
- 11 kind of lays out some of the arguments that each of the
- defendants raised, and each of these arguments were unrebutted
- 13 by counsel for the plaintiffs. And therefore, as a matter of
- law, I think Your Honor can find that they've abandoned, waived
- 15 those issues, and therefore, we don't even need to move on to
- 16 the other issues, Your Honor.
- 17 MS. HAFFEY: Just so we're clear, Your Honor, when I
- 18 quoted from the transcript earlier and said that it's already
- 19 been briefed, that was not the briefing for this hearing. The
- 20 briefing for this hearing wasn't filed by the reply brief on
- 21 behalf of this --
- 22 THE COURT: As you can see, I have a lot of binders up
- 23 here and I'm looking for the transcript of the December
- 24 teleconference that we had.
- MS. HAFFEY: I would be happy to hand you my copy.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 30 - 11 Pq 34 of 944

- 1 THE COURT: Okay, thanks.
- 2 MS. HAFFEY: May I approach?
- THE COURT: Yes.
- 4 MS. HAFFEY: In the -- on page 34, Your Honor, where I
- 5 just quoted a moment ago --
- 6 (Pause)
- 7 THE COURT: Okay, all right. I think the one issue --
- 8 John, can you give that back?
- 9 I think the one issue that wasn't really dealt with,
- 10 although maybe it was meant to be was -- and a couple of people
- 11 have raised this -- is the existence of, on an aggregate basis
- 12 against an individual defendant less than 250,000, I think that
- 13 was also meant to be covered by this motion for today.
- MS. HAFFEY: I don't believe we have any defendants
- 15 that have that issue.
- MR. SULLIVAN: That's not true, Your Honor.
- 17 THE COURT: No, I think there are a couple.
- 18 MR. SULLIVAN: There are people in this courtroom that
- 19 would beg to differ, Your Honor.
- THE COURT: Yeah, no, there are a couple. At least
- 21 they've asserted it. But I think that the other -- I think the
- 22 other issues are properly -- with the caveat that Mr. Sullivan
- 23 raised about individualized responses on the relate points and
- 24 the contract assumption points, I think that, unless I'm
- 25 missing something, the agenda for today that counsel laid out

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 31 - 11 Pg 35 of 944

- 1 is accurate.
- MR. SULLIVAN: Your Honor, we understand that, for the
- 3 most part, it was more about the way certain things were worded
- 4 and the glaring omission of the December 17th directives.
- 5 THE COURT: Okay.
- 6 MR. SULLIVAN: But we can probably --
- 7 THE COURT: All right.
- 8 MR. SULLIVAN: Our agenda was a little bit more
- 9 specific because we broke it down by different speakers.
- 10 THE COURT: Okay.
- MR. SULLIVAN: And so if it pleases Your Honor, I can
- 12 kind of lay out which counsel are going to take the lead on
- 13 certain issues.
- 14 THE COURT: No, that's fine. I just wanted to make
- 15 sure we were all on the same page. And I think the one --
- 16 you've raised the two points, and I think the one other point
- 17 that the transcript reminded me of was the -- some people have
- 18 raised this -- whether, in the aggregate, certain defendants
- are being sued for less than 250,000 dollars.
- MS. HAFFEY: And we'll be prepared to respond to that,
- 21 Your Honor. That's --
- 22 THE COURT: Okay, all right.
- MS. HAFFEY: Mr. Sullivan, did you want to inform the
- 24 Court now who was going to be arguing, and then I'll go on with
- 25 the --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 32 - 11 Pq 36 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: That's okay. You can do that when it 2 comes up. 3 MR. SULLIVAN: Okay, and just so Your Honor -- just to kind of lay out the procedures, then, Your Honor, although 4 5 we've kind of picked a lead for each issue, others may want to 6 kind of chime in at the end, and instead of doing it at the 7 very end, we would like to do it at the end of each segment of 8 the argument, if that's okay? 9 THE COURT: That's fine; that's a good idea. Okay. 10 UNIDENTIFIED SPEAKER: Will counsel on the phone be 11 allowed to note their appearances? 12 THE COURT: Well, when you speak. When you speak, and 13 I'm not urging -- I mean, no one has to speak if they don't 14 want to, but when you speak, you should note your appearance 15 and who you're representing. And obviously, if you come back 16 again, you're going to have to do the same thing since the ECRO 17 operator can't see you. 18 Okay. 19 MS. HAFFEY: Thank you, Your Honor. 20 THE COURT: Please. 21 MS. HAFFEY: Our order, Your Honor, in presenting 22 today's arguments on behalf of the reorganized debtors, I will 23 cover the Rule 8 and the pleading standard, as well as the 24 standard set by this Court set on September 7th, 2010, as well

as the argument relating to the transfers under the alleged

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 33 - 11 Pg 37 of 944

- 1 assumed contracts. Mr. Klein, then, will address whether DAS
- 2 LLC is the proper plaintiff in the proposed amended complaints,
- and why the named defendants in the proposed amended complaints
- 4 are the proper defendants. And then Mr. Sendek, to Mr. Klein's
- 5 left, will focus on why the proposed amended complaints
- 6 properly allege insolvency, and in addition will argue for the
- 7 reorganized debtors in response to the motion seeking relief
- 8 from the fourth order extending the time to serve under the
- 9 last 4(m) order.
- Before I move on, Your Honor, with the Rule 8 motion,
- 11 I thought I would deal with the assumption argument first --
- 12 THE COURT: Okay.
- MS. HAFFEY: -- and maybe we can resolve that, as well
- 14 as a relation-back argument.
- 15 This Court, in July, told the reorganized debtors that
- 16 any contracts that had been assumed needed to be dismissed --
- 17 THE COURT: Well, no. I actually said that if a
- 18 transfer -- if the antecedent debt was under a contract that
- 19 had been assumed, then it had to be dismissed --
- MS. HAFFEY: Yes.
- 21 THE COURT: -- under TeleGen and all the other cases.
- MS. HAFFEY: Correct.
- THE COURT: Okay.
- MS. HAFFEY: And in fact, Your Honor, we went through
- 25 the complaints and where our records show that that was the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 34 - 11 Pg 38 of 944

DPH HOLDINGS CORP., ET AL.

1 case, we did dismiss either actions entirely or actions in 2 I have, personally, I had numerous conversations with defense counsel on these issues, and we have dismissed all but 3 4 ten of the actions. In certain of those actions, we have 5 agreed that there are transfers under assumed contracts; we 6 have agreed and stated that we would dismiss those, and have 7 asked opposing counsel to enter into an order with us to 8 dismiss those. 9 But in each of those cases, with one exception, in 10 each of those cases, the defendant has disagreed with our 11 analysis and have argued that all of the transfers have been 12 We have a good faith dispute; we have records that assumed. 13 show what transfers were assumed -- what POs, I should say, 14 Your Honor, were assumed, what POs were not assumed. A general 15 argument of the defendants is well, we had a master supply 16 agreement and we generally operated under a master supply 17 agreement, and therefore, everything should have been assumed. 18 But Delphi didn't assume things at the master supply agreement level with few exceptions, early on, back in 2006. It assumed 19 things at the purchase order level. And we have records of 20 21 notices of nonassumption that went out to some of these 22 defendants as to these POs. And despite those discussions, we continue to have this good faith dispute, and it is a good 23 24 faith dispute. And I can provide the Court with a list of

25 those defendants later, if the Court would like.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 35 - 11 Pq 39 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: Well, I mean, certain defendants, and I'm 2 not sure whether you've resolved these since the -- any of these since the objections were filed, but certain of the 3 4 defendants assert with an affidavit that the only contract we 5 had was contract X with whatever Delphi entity -- I quess, 6 generally, with DAS, and that contract was assumed they show 7 the assumption order. And so I think at that point, it's 8 incumbent upon the debtors as part of the futility argument to 9 show that it wasn't assumed, that there was some other -- that 10 the purchase order or some other contract wasn't assumed. 11 MS. HAFFEY: If --12 THE COURT: Are you prepared to do that? 13 MS. HAFFEY: If the debtor -- if I can have two responses -- if the debtor provided us or attached a contract 14 15 that showed at the master supply level that it was assumed, 16 we've assumed those, Your Honor. So without knowing what 17 particular defendant the Court's referring to -- I mean, 18 recently, we've dismissed --THE COURT: Well, so I think what I ought to do here 19 20 is counsel says that there are ten remaining complaints that 21 some portion of which, at least, involve transfers where the 22 defendant asserts that the claim would be futile because the contract was assumed that gave rise to the antecedent debt. So 23 24 I'm going to ask the objectors who have objected on that basis 25 to identify themselves and tell me, and then the debtors would

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 36 - 11 Pq 40 of 944

- 1 need to give me a response.
- MR. HERMAN: Good morning, Your Honor. Ira Herman,
- 3 Thompson & Knight for Victory Packaging. Your Honor, we filed
- 4 our surreply dated June 14th. Your Honor, we've provided the
- 5 debtors -- the reorganized debtors with copies of the supply
- 6 agreement which is denominated "Packaging Commodity Management
- 7 Agreement" which was attached to the proof of claim, Your
- 8 Honor.
- 9 THE COURT: Okay.
- MR. HERMAN: Nowhere in the debtors' filings have they
- 11 asserted in writing that that agreement had not been assumed.
- 12 In fact, Your Honor, the only evidentiary matter before Your
- 13 Honor is the affidavit of Leah Borrello that was filed in
- 14 support of the opposition to the motion to file the amended
- 15 complaint.
- 16 Your Honor, the debtor has taken, as you've heard, a
- 17 position that there were open POs that could be amenable to
- 18 assumption or rejection. The facts, Your Honor, are that the
- debtor, in 2007, paid cure amounts and assumed the supply
- agreement under the plan of reorganization paragraph 8.1.
- 21 Those payments in 2007, Your Honor, on account of open account
- receivable, not open POs, we don't know what these "POs" the
- debtors' talking about are because in 2007, Your Honor, when
- the cure payments were made, no deliveries of new corrugated
- 25 was made by Victory Packaging -- we supplied boxes to them

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₃₇ - 11 Pq 41 of 944

- 1 every day -- because there was nothing to supply. There was no
- 2 executory contract, PO by PO. There was one overarching
- 3 Packaging Commodities Management Agreement which, Your Honor, I
- 4 can hand up to you if you want to take a look at it. There was
- 5 an ongoing relationship between the parties, many years. I'm
- 6 not sure what the debtors' internal recordkeeping shows. Our
- 7 clients, Victory Packaging, would sign an affidavit in one
- 8 second that they did not receive any "notices of
- 9 nonassumption". We have no idea what a notice of
- 10 nonassumption.
- Unless Your Honor has any questions, I'll sit down and
- 12 respond to argument by counsel for the reorganized debtors
- 13 because the argument that there were open POs to be assumed or
- 14 rejected in 2007 goes beyond credibility, Judge. There just
- 15 was nothing there.
- 16 MS. HAFFEY: May I respond, Your Honor?
- 17 THE COURT: Okay.
- 18 MS. HAFFEY: In discussions with counsel, and I've had
- 19 many with Mr. Herman, I have provided him with the list of
- 20 those POs in which they received notices of nonassumption. I
- 21 also, Your Honor, have -- and I would be happy to share with
- 22 the Court, if I could approach -- an e-mail between the
- 23 reorganized debtors and Victory Packaging in which they refer
- 24 to "Please make sure all your future business is POs; let's put
- 25 this in payment terms."

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 38 - 11 Pg 42 of 944

- MR. HERMAN: Your Honor, I haven't seen that document,
- 2 and there's no foundation for the alleged list that she has
- 3 mentioned. And as Your Honor said, this is not an evidentiary
- 4 hearing.
- 5 THE COURT: What is -- let me turn to your objection.
- 6 This is probably in volume 6, right?
- 7 (Pause)
- 8 THE COURT: Okay, this is -- do you -- what I'm
- 9 looking for, here, and I'm not sure I have it, is evidence on
- 10 your part that the contracts were the only contracts and they
- 11 were all assumed.
- MR. HERMAN: Pardon, Your Honor? The evidence, Judge,
- is the plan paragraph 8.1 and the cure checks that the debtor
- delivered to the debtor after confirmation, 8.1 --
- 15 THE COURT: 8.1 says everything's assumed unless it's
- 16 rejected.
- 17 MR. HERMAN: Every -- that's in existence, correct,
- 18 and we received cure payments marked "cure". So they cured
- 19 them.
- 20 THE COURT: So --
- MS. HAFFEY: We --
- 22 THE COURT: -- is there any evidence of any rejection
- of the contracts?
- 24 MS. HAFFEY: Well, Your Honor, there were --
- MR. HERMAN: No, Judge.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 39 - 11 Pq 43 of 944

- 1 MS. HAFFEY: If I may, Ira.
- I have asked Mr. Herman for the contract to which they
- 3 rely on, and for, I don't know, over a month now that we've had
- 4 these discussions, and they --
- 5 THE COURT: But I think 8.1 means that he doesn't have
- 6 to provide that because unless the debtors took the step of
- 7 rejecting the contract, it was deemed assumed.
- 8 MS. HAFFEY: Unless notices of nonassumption were also
- 9 sent out, in which we sent out notices of nonassumption.
- 10 THE COURT: All right, well, do you have those?
- MS. HAFFEY: Yes, well, I have the list of the notices
- of nonassumption.
- MR. HERMAN: Your Honor, a list is a computer run.
- 14 Your Honor, our client has told me that we've never received
- 15 those; we don't know what they're talking about. There were no
- open POs to reject or to not assume, because all the goods
- 17 ordered under the Packaging Commodities Management Agreement in
- 18 2004 and '05 were sold and delivered. In fact --
- 19 THE COURT: The POs would have expired, in other
- words.
- 21 MR. HERMAN: Your Honor, we supplied packaging to them
- 22 every day. The facts will show, if we ever get into it, that
- 23 sometimes, it was delivered without POs, sometimes with POs,
- 24 sometimes under a blanket PO. It was division by division by
- 25 Delphi. But the Packaging Commodities Agreement required

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 40 - 11 Pg 44 of 944

- 1 Victory Packaging to hold the corrugated on their floor so they
- 2 could delivery daily. And if Victory had not delivered daily,
- 3 they would have been in breach of a contract.
- 4 And Your Honor --
- 5 THE COURT: Well --
- 6 MR. HERMAN: -- she handed me --
- 7 THE COURT: I'm sorry.
- MR. HERMAN: -- counsel handed me this June 1, '06 e-
- 9 mail; I don't know if she's handed it up to the Court yet, Your
- 10 Honor. But Victory and Delphi entities continued doing
- 11 business post-bankruptcy daily.
- 12 THE COURT: But I guess --
- 13 MR. HERMAN: So this is irrelevant.
- 14 THE COURT: I guess the --
- 15 MS. HAFFEY: If I could just have that back.
- 16 THE COURT: I think --
- 17 MS. HAFFEY: The e-mail that's relevant --
- 18 THE COURT: I think I may have spoken too quickly, Mr.
- 19 Herman. You rely on 8.1 which is fine if there's an overall
- 20 executory contract that covers all of these relationships. But
- 21 if, in fact, each one is a standalone payment, then I guess
- 22 apropos of what you were saying, the earlier transfers weren't
- 23 part of an executory contract; they were part of an earlier
- 24 relationship.
- MR. HERMAN: No, Your Honor.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 41 - 11 Pg 45 of 944

- 1 THE COURT: An earlier standalone purchase order.
- 2 MR. HERMAN: There was one supply agreement in effect
- 3 on the filing date, everything was sold and delivered pursuant
- 4 to this agreement. If Your Honor will review the agreement,
- 5 you'll see that there were obligations, back and forth, in
- 6 fact, under the agreement. As I said, Victory was required to
- 7 use certain inventory maintenance system; Victory was required
- 8 to keep corrugated on its floor.
- 9 THE COURT: All right, is there any dispute about
- 10 that --
- MS. HAFFEY: Yes, Your Honor, there is.
- 12 THE COURT: -- that there's one overall agreement that
- 13 covered the relationship of the parties?
- MS. HAFFEY: Delphi, like a lot of other automotive
- 15 suppliers, Your Honor, had what they called master service
- 16 agreements that dealt with some terms. But Delphi, as per
- 17 individual contract, dealt at the PO level, and it assumed
- 18 contracts at the PO level. And this e-mail right here, I
- 19 think -- Your Honor, if I could pass it up to you -- dated
- 20 September 13th, 2005 demonstrates that the parties who operated
- 21 at a provisional PO level and here they're changing payment
- 22 process.
- MR. HERMAN: Your Honor, I haven't seen that e-mail,
- 24 and Your Honor --
- MS. HAFFEY: I just showed it to you.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 $_{4\,2}$ - 11 Pg 46 of 944

DPH HOLDINGS CORP., ET AL.

1	MR. HERMAN: No, it's a different e-mail.
2	MS. HAFFEY: No, it's what I just handed
3	MR. HERMAN: Okay, that doesn't look like the page.
4	But Your Honor, yes, during the ninety days before the
5	preference period, we improved the terms under the master
6	packaging agreement and gave them better terms and gave them
7	bigger discounts. So while Ms. Haffey is taking correspondence
8	out of context, we had one supply agreement, and Your Honor
9	will see that it's an integrated agreement, and the argument
10	that each separate PO issued under this agreement is a separate
11	contract is nonsense.
12	THE COURT: Okay, what about the defendants' argument
13	we shouldn't be doing this on the fly at the hearing, this
14	should've been addressed in your response.
15	MS. HAFFEY: Well, Your Honor, when we filed our
16	responses, we were and I'm just relying on the transcript
17	again, here, the Court says, that "I don't want to shift any
18	burden and I don't think that we should be wasting our time at
19	a hearing on something like this if the contracts have been
20	identified," and went on to indicate that we would have to look
21	at this and have a hearing on these individual bases. And I
22	can't find it right now in the transcript, but on that point,
23	that is what the defendants relied on, Your Honor, was what was
24	decided on December 17th in filing its response.

We did, however, take very much to heart the Court's

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 43 - 11 Pg 47 of 944

- 1 statement that you wanted us to resolve these issues, and we
- 2 did, and we have, everywhere where the parties -- where the
- defendants have shown us or through our own records have seen
- 4 that we assumed every transfer on the complaint, which goes
- 5 back to my conversation with Mr. Herman. We have a good faith
- 6 dispute, here, and I think this is a prime example as to why
- 7 this is better left for an evidentiary hearing.
- 8 MR. HERMAN: Your Honor, may I respond to that? We
- 9 attempted to engage Ms. Haffey's firm, pursuant to your
- 10 directive, back in January. We were ignored until last week.
- 11 That's the facts. I have the e-mail trail if Your Honor really
- wants to see it; I don't want to get into it.
- 13 Your Honor, the debtor had all the time in the world
- 14 to respond, to develop the issue. These cases were filed in
- 15 2007; we had the hearing in December; we were supposed to have
- 16 a hearing in February. That was the twelfth hour, Your Honor.
- 17 They have not done what they were supposed to do, Your Honor.
- 18 We have provided this Court with evidence that there was an
- 19 assumed contract. That evidence has not been rebutted by the
- 20 debtor. They've waived the right to rebut that.
- 21 MS. HAFFEY: I don't think the Court wants to start
- 22 reviewing e-mail of counsel to show our due diligence --
- 23 THE COURT: Well, let me just go to the --
- MS. HAFFEY: -- because I --
- 25 THE COURT: -- basic point, which is why haven't you

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 44 - 11 Pg 48 of 944

- 1 waived the right to rebut that? I mean, the response is the
- 2 footnote, right in the reply which says we disagree?
- MS. HAFFEY: Well, again, Your Honor, we were relying
- 4 on what was discussed at our December 17th hearing. But to Mr.
- 5 Herman's point where he says that we haven't been diligent on
- 6 this, I have a very fresh memory of a conversation with him
- 7 around the holiday season, because it wasn't the most pleasant
- 8 conversation I've ever had with opposing counsel, and I have e-
- 9 mail to that effect. And if -- he called me the following
- 10 Monday to apologize, to his credit, but we have been diligent,
- and we have asked from day one for that underlying contract.
- 12 If he says that all the POs were assumed, please give us the
- underlying contract. We don't have it; we have no record of
- 14 it. Our records show entirely different, that we worked at the
- 15 PO level with the supplier and sent out notices of
- 16 nonassumption.
- MR. HERMAN: Your Honor --
- THE COURT: Okay.
- MR. HERMAN: -- the only evidence on the record is
- 20 that there was an assumed contract. It's never been
- 21 controverted. You have the affidavit of Leah Borrello in the
- 22 record supporting the fact that cure payments were received in
- 23 2007 on account of something. The only thing that was in
- 24 existence at that time was the master service agreement that
- 25 we've talked about called the Packaging Commodity Management

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 45 - 11 Pq 49 of 944

- 1 Agreement. That was the only item. When payments were
- 2 received in 2007, Judge, they were just payments on account of
- 3 2004 and 2005 invoices. The debtor did not expect and Victory
- 4 did not deliver any goods in exchange for those cure amounts.
- 5 MS. HAFFEY: Again, Your Honor, we relied on what we
- 6 understood our briefing was supposed to entail. If the Court
- 7 would like, we would be happy to file an affidavit on
- 8 reorganized debtors' behalf within a very short period of time
- 9 on each one of these matters so that the Court can see there is
- 10 a good faith dispute.
- 11 THE COURT: Is there any notice of nonassumption?
- MS. HAFFEY: For Victory Packaging? Yes, there are.
- 13 What I have with me today is our business record of those that
- 14 was provided by the client.
- 15 THE COURT: But I mean, was there any literal notice
- 16 that went to them --
- MS. HAFFEY: Oh, yes.
- 18 THE COURT: -- in the form of a notice of
- 19 nonassumption.
- MS. HAFFEY: Yes.
- 21 THE COURT: Okay. Why don't I hear from the other --
- MS. HAFFEY: Now, I understand Mr. Herman says that
- 23 they didn't receive them, but yes.
- 24 THE COURT: All right, why don't I hear from the other
- 25 nine?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 46 - 11 Pg 50 of 944

DPH HOLDINGS CORP., ET AL.

1 Your Honor, James Sullivan, counsel for MR. SULLIVAN: 2 I submitted a supporting declaration -- numerous supporting declarations, actually, evidencing the fact that 3 Delphi assumed, among others, a long-term agreement way back in 4 5 the beginning of the case, back in 2006. I sent numerous e-6 mails to counsel for the debtors, pursuant -- even before your 7 December 17th directive, but subsequent to your December 17th 8 directive as well, asking for documents related to the 9 allegedly preferential transfers to show that -- so we could 10 review them to determine whether -- to confirm that, in fact, 11 these transfers related to the contract that was assumed. Wе 12 received no documents or information in response to those 13 requests. 14 I hear Ms. Haffey talking about these records that 15 they are apparently, allegedly looking at to determine whether 16 or not transfers relate to a contract. I haven't seen them; 17 I've made numerous requests and have received nothing. In 18 fact, when I spoke to Ms. Haffey in January of this year, she 19 told me she had no records. So I don't know what records the 20 debtors are looking at, but I've been told they have none. 21 I've received none in response to numerous requests, despite 22 the fact that Your Honor directed them to turn them over. And 23 they have offered no justification whatsoever for ignoring Your 24 Honor's directive and for failing and refusing to respond to my 25 requests for information regarding these transfers.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 47 - 11 Pg 51 of 944

- 1 THE COURT: Okay. So what's the response to the
- 2 argument that --
- 3 MS. HAFFEY: I'm looking --
- 4 THE COURT: -- that the debt was not pursuant to the
- 5 contract that was assumed?
- 6 MS. HAFFEY: Again, Your Honor, we have notices of
- 7 nonassumption on Timken. I have had several conversations with
- 8 Mr. Sullivan. I have an e-mail in front of me where I sent him
- 9 the POs in which we have notices of nonassumption, and had --
- 10 my recollection of our conversations was he was going to go
- 11 back to his client and see whether or not they agree. I asked
- 12 him to send me a copy of the waiver of avoidance claims that
- 13 they reference in their brief. I never received that from
- 14 them.
- 15 MR. SULLIVAN: That's not true, Your Honor. I e-
- 16 mailed it the same day she asked for it.
- MS. HAFFEY: Well, that was June -- if that's the
- 18 case, Your Honor, that was June 16th, so that was just Thurs --
- 19 MR. SULLIVAN: That was the first time she asked for
- 20 it. I put in numerous --
- 21 THE COURT: That --
- MR. SULLIVAN: -- declarations indicating, Your Honor.
- 23 THE COURT: I'm sorry, that isn't -- I remember --
- 24 MR. SULLIVAN: For example, the declaration of Michael
- 25 Hart, dated November 24, 2010.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 48 - 11 Pg 52 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: Well, do you have a copy of the release or 2 waiver? 3 MS. HAFFEY: The waiver. 4 MR. SULLIVAN: I quoted the language. It was -- there 5 was a confidentiality provision; that's the reason why I did 6 not attach it as an exhibit. And I don't actually think I 7 brought a copy of it with me, today, but I quoted a lot of the 8 relevant language, Your Honor, and I did e-mail --9 notwithstanding what Ms. Haffey said, I did e-mail her a copy 10 of it the same day she requested it, earlier this week --11 THE COURT: Okay. MR. SULLIVAN: -- or end of last week. 12 13 MS. HAFFEY: That may have been the first time I requested it, Your Honor, on the 16th because I was --14 15 THE COURT: Is there an issue with it? MS. HAFFEY: Is there an issue? 16 17 THE COURT: With the release? 18 MS. HAFFEY: Your Honor, it came to me at 10:40 p.m. 19 on Thursday, June 16th, and I have -- in preparing for this 20 hearing and reviewing a lot of other things, I have not had a 21 chance to review --22 THE COURT: Okay, well, why don't --MS. HAFFEY: -- the document. 23 24 THE COURT: -- why don't you or one of your colleagues

look at it during the course of today's hearing?

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 49 - 11 Pg 53 of 944

- 1 MS. HAFFEY: Okay.
- 2 UNIDENTIFIED SPEAKER: Your Honor?
- MR. SULLIVAN: And Your Honor, I don't want to belabor
- 4 the point, Your Honor, but look, we've been ask -- we've been
- 5 telling her about this for a long, long time, and for them to
- 6 sit here today and try to say, oh, we didn't have a chance to
- 7 look at it or think about this when I've been banging on the
- 8 door for a very long time on this issue, you know, it's
- 9 really -- it's a bit frustrating, Your Honor.
- 10 THE COURT: Okay.
- MS. HAFFEY: And all I can say, Your Honor, is we
- 12 have, in turn, informed Mr. Sullivan that we -- despite what he
- 13 says is the waiver agreement says, and we will look at it, we
- have notices of nonassumption for certain POs. So we will
- 15 look -- we will look at it, and if it says that everything was
- 16 assumed, then we will dismiss that action.
- 17 THE COURT: Okay.
- MS. HAFFEY: I --
- 19 MR. SULLIVAN: Your Honor, their opportunity to
- 20 respond with that was a long time ago. They can't show up in
- 21 court and say look, we'll look at it when we get around to it.
- MS. HAFFEY: No, I --
- MR. SULLIVAN: Your Honor was very clear at the last
- hearing, December 17th, you said if they don't respond, they're
- 25 going to have to live with the consequences, Your Honor.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 50 - 11 Pg 54 of 944

- 1 That's what Your Honor said.
- MS. HAFFEY: Mr. Sullivan, I was just responding to --
- 3 MR. SULLIVAN: It's their motion; they're asking for
- 4 you to rule in their favor, here, and they should have thought
- of that before they came in here with nothing, Your Honor.
- 6 MS. HAFFEY: Mr. Sullivan, I was just responding to
- 7 the Court asking us to look at it today, and we will --
- 8 THE COURT: All right.
- 9 MS. HAFFEY: -- since I just received it on the 16th.
- 10 THE COURT: Okay.
- MS. HAFFEY: Thank you.
- 12 THE COURT: So I've heard from two of the ten?
- MR. LAWHORN: Good morning, Your Honor. This is Chris
- 14 Lawhorn on the telephone on behalf of defendant Spartech
- 15 Polycom.
- THE COURT: Good morning.
- 17 MR. LAWHORN: If it would please the Court, I'd be
- 18 happy to quickly address our client's issue which is similar to
- 19 the last two defendants'.
- THE COURT: Okay.
- 21 MR. LAWHORN: Your Honor, we are also party to a long-
- 22 term contract between our client, Spartech Polycom, and the
- 23 debtors. Back in October, we sent a copy of that long-term
- contract to opposing counsel. We expressed our belief that the
- 25 contract was assumed under the terms of the plan, and the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 51 - 11 Pg 55 of 944

- 1 contract expressly incorporates all purchase orders.
- 2 Your Honor, following the December 17th teleconference
- 3 with Your Honor, we reached out to opposing counsel to again
- 4 assert our position and request a response as to how, why, or
- 5 where it is possible that that long-term contract was not
- 6 assumed. We've heard nothing. For six months, Your Honor, our
- 7 phone calls have gone unreturned, our e-mails have gone
- 8 unreturned, until just last Thursday, after the close of
- 9 business, we finally received a phone call from opposing
- 10 counsel, and we still have no explanation as to how it is our
- 11 long-term contract is not assumed. So Your Honor, we believe
- 12 we are like the other defendants who have spoken to the Court
- this morning, in that the motion as to our clients should be
- denied and the case dismissed.
- 15 THE COURT: Okay.
- 16 MS. HAFFEY: Your Honor, Don Orlandoni from the Butzel
- firm has been handling the Spartech matter, so I'm going to ask
- 18 him to respond.
- 19 MR. ORLANDONI: Yes, good morning, Your Honor. And I
- 20 will echo some points that I discussed with Mr. Lawhorn in a
- 21 telephone conference last week. And my client has investigated
- this asserted assumed contract defense, and based on my
- 23 client's investigation, with respect to the master agreement
- that Mr. Lawhorn cites, my client has identified two part
- 25 numbers that pertain to that master long-term agreement. And

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 52 - 11 Pg 56 of 944

- 1 with respect to the POs that are subject to our preference
- 2 claims in this action, those could only represent -- and we're
- 3 still investigating, but those could only represent, at most,
- 4 18,000 dollars' worth of our 8.6 -- approximately 8.6 million
- 5 dollar claim in this case. My client has also identified only
- one PO, one Spartech PO that was assumed during the bankruptcy
- 7 case. That PO is not subject to this adversary proceeding.
- 8 As I informed Mr. Lawhorn last week, and in fact -- we
- 9 have a fundamental disagreement, again, that our position, and
- 10 the Delphi practice, in fact, was that it assumed contracts on
- 11 a PO-by-PO level, and not -- didn't assume master agreements.
- 12 That's the case in this matter. Our client did the
- investigation, and our client's investigation supports that, in
- 14 fact, that was the practice. And so again, this is another
- 15 case where there's a genuine good-faith dispute. We've
- 16 performed the inquiry as directed by the Court during the
- 17 December 17th conference call, and a good-faith dispute
- 18 remains.
- 19 THE COURT: Well, I'm not sure -- let me make sure I
- 20 understand what you're saying. Are you saying that this long-
- 21 term contract only covers part of the business between Delphi
- 22 and Spartech?
- MR. ORLANDONI: Based on our investigation, the master
- 24 agreement cites to two part numbers. And again, yes, Your
- 25 Honor, what you say is correct. It's only part of the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₅₃ - 11 Pg 57 of 944

- 1 transactions that are subject to this adversary proceeding, and
- 2 again, the most -- the most that those transactions would
- 3 represent in terms of the amount of our claim is 18,000 dollars
- 4 out of our claim in the aggregate, which is approximately 8.6
- 5 million dollars.
- 6 THE COURT: Okay, what is Spartech's response to that?
- 7 MR. LAWHORN: Your Honor, we disagree. Factually,
- 8 that's just not accurate as we understand the facts, number
- 9 one. Number two, none of that is included anywhere in the
- 10 papers filed by the reorganized debtor. Number three, Your
- 11 Honor, in eight months, that's the most we've heard about the
- 12 reorganized debtors' understanding of our relationship.
- 13 Your Honor had required, back in December that
- 14 opposing counsel reach out to us and talk to us. That hasn't
- 15 happened until last Thursday, and Your Honor, we believe, as
- 16 the other defendants have articulated, that the time has now
- 17 passed for this type of argument, and that we believe the
- 18 motion should be denied and our case dismissed.
- 19 THE COURT: Okay, I'm just taking a quick look at your
- 20 pleading, here.
- 21 MR. ORLANDONI: Your Honor, if I could make one more
- 22 point when it suits the Court.
- 23 THE COURT: Okay. Is the -- your factual allegations
- 24 about the contract are not in the objection to the motion to
- 25 amend, right? There's no affidavit or --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 54 - 11 Pg 58 of 944

DPH HOLDINGS CORP., ET AL.

1 MR. LAWHORN: Your Honor, we did set forth the 2 argument and cite the relevant provisions of the reorganized plan. And we did that in our opposition to the reorganized 3 4 debtors' motion for leave to file. It is not mentioned in our 5 surreply. And no, Your Honor, we did not submit affidavits in 6 support. 7 THE COURT: Okay. All right. Okay, thank you. 8 Your Honor, this is Mahesh Nayak from MR. NAYAK: 9 Clark Hill representing defendant Detroit Products 10 International. And I just have a point of clarification for 11 Your Honor as we're proceeding this morning. 12 At the December hearing, Your Honor was clear that it 13 was the burden of the plaintiff to rebut, to handle on a case-14 by-case, each of the individualized issues that were briefed by 15 the defendants in the oppositions for the motions for leave to In my instance, for example, there was an issue 16 17 regarding service of some of the critical pleadings, including 18 the fourth extension motion -- I know this is off topic -- on 19 the issue of the assumption. 20 I only raise it now, Your Honor, to understand from Your Honor whether, if an issue, whatever that issue may have 21 22 been, went unrebutted, that there are no proofs, that there are no affidavits, that there's no information that's been supplied 23

by the plaintiff in response to our oppositions from those

motions for leave to amend at all, whether those issues are

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 55 - 11 Pg 59 of 944

- 1 waived, and on that basis, as a matter of law, Your Honor is
- 2 going to dismiss these complaints today, upon proper
- 3 presentation of the information.
- 4 THE COURT: Well, you are jumping out of order. But
- 5 as -- I mean, it depends on how the issue is raised. I mean,
- on the Spartech issue, for example, Spartech has submitted as
- 7 much factual support for its contention as the debtors have.
- 8 There's nothing. It's just a lawyer's statement. So I think
- 9 there there's a factual dispute, although there was an
- 10 additional issue, which I do have to factor into my analysis,
- 11 which is not a waiver issue one way or the other, which is I
- did require the debtors to focus on this diligently. And
- 13 that's a separate issue.
- But I believe there's a distinction between the
- 15 debtors' obligation to respond on that level, than there is to
- 16 respond and be closed out today in response to actual evidence
- 17 which Timken has, for example. I mean, Timken has affidavits.
- 18 They have a reference to a contract. And, you know, I think
- 19 that makes it incumbent, as a matter of pleading to respond on
- 20 the debtors' part.
- 21 MR. NAYAK: And Your Honor, with respect, my
- 22 opposition also includes affidavits, albeit on the issue of
- 23 service.
- 24 THE COURT: Yes, well that's a different issue. So
- 25 we'll deal with that later, although we dealt with it in the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₅₆ - 11 Pg 60 of 944

- 1 agenda too. I don't see anything about service on the agenda.
- MR. NAYAK: And, Your Honor, I just wanted to know
- 3 when. Because I know we discussed the flow of the arguments
- 4 today.
- 5 THE COURT: Well, we spent the first fifteen minutes
- on the agenda, and service isn't on the agenda. I raised that
- 7 issue, and I asked everyone is it on or off, and people said
- 8 it's off. So I quess it's off, right?
- 9 MR. NAYAK: No, Your Honor, it's --
- 10 THE COURT: You weren't listening during the first
- 11 fifteen minutes? Should it be on the agenda and on what basis?
- MR. NAYAK: Yes, it should be on the agenda, Your
- 13 Honor, as an issue --
- 14 THE COURT: Okay.
- 15 MR. NAYAK: -- it's an issue that has gone unrebutted.
- 16 And I think we did discuss today as to issues that have gone
- 17 unrebutted.
- 18 THE COURT: No, it's -- it's not necessarily an issue
- 19 that they had to respond to as far as today's hearing. That's
- 20 why I asked if people agree with the agenda or not.
- MR. NAYAK: Your Honor, my --
- 22 THE COURT: It may be relevant to the fourth extension
- challenge, but I don't see it being relevant to Rule 8 or
- 24 relation back or contract assumption.
- 25 MR. NAYAK: Well, we did discuss the fact that one of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₅₇ - 11 Pg 61 of 944

- 1 the topics that were going to be discussed today were the
- 2 plaintiffs' compliance with this Court's previous orders. And
- one of the orders of the Court, coming back to the December --
- 4 THE COURT: Look, let's get to that when we get to it.
- 5 I'm not going to take this on a whole sidetrack at this point.
- 6 All right?
- 7 MR. NAYAK: Thank you, Your Honor.
- 8 THE COURT: We're dealing with this one issue on the
- 9 contract assumption, and we are three-tenths of the way through
- 10 with it.
- MR. NAYAK: Thank you.
- MR. HERMAN: Your Honor, I think it's clear that the
- 13 Victory proof is similar to the Timken proof, that it's
- 14 submitted by affidavit --
- 15 THE COURT: I just signaled on Timken not to go over
- 16 the whole thing again. But I think the --
- 17 MR. HERMAN: Thank you, Judge.
- 18 THE COURT: -- I think the Spartech may be a little
- 19 different.
- 20 All right. So is there -- are there other parties who
- 21 are asserting contract assumption?
- MR. JURKIEWICZ: Your Honor?
- THE COURT: Yes.
- MR. JURKIEWICZ: This is David Jurkiewicz representing
- 25 Decatur Plastics in 07-2098.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₅₈ - 11 Pq 62 of 944

- 1 THE COURT: Right.
- 2 MR. JURKIEWICZ: I have a slightly different variation
- of the facts you've heard. We filed our response in the main
- 4 case as 20879. And attached thereto as Exhibit A, a long-term
- 5 contract dated February 9, 2004.
- 6 THE COURT: Right. I'm just getting your pleading,
- 7 here. Right. And you assert there's no other -- there are no
- 8 other contracts besides that one. And that's in your
- 9 affidavit.
- 10 MR. JURKIEWICZ: Correct, Your Honor. There is no
- 11 affidavit, but that is what we assert.
- 12 THE COURT: Okay.
- MR. JURKIEWICZ: And I'll be able to tie this argument
- 14 together with POs later, Your Honor.
- 15 THE COURT: Okay. That's right. Let me just --
- 16 that's right. It's the pleading that says there are no other
- 17 contracts.
- 18 MR. JURKIEWICZ: Correct.
- 19 THE COURT: Okay. So what is the response on Decatur?
- MS. HAFFEY: Your Honor, you have to compare Decatur
- 21 and the document that was just referred to the Court under the
- long-term contract and the exhibit that says the contract would
- 23 be assumed or assigned, and that it specifically relates to
- certain PO numbers. So again, as what the reorganized debtors
- 25 have been saying, they assumed contracts at the PO level.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 59 - 11 Pq 63 of 944

- When you look at these POs and the proposed amended
- 2 complaint, they're not all assumed. And I've gone through it
- on a line-by-line detail. I've had this conversation with
- 4 opposing counsel.
- 5 THE COURT: Okay.
- 6 MR. JURKIEWICZ: Your Honor, here's where I think we
- 7 differ. If you look at the notice of assumption that relates
- 8 to this contract, which is 11165, Exhibit 1 purports to assume
- 9 the long-term contract between Delphi acting through its safety
- 10 and interiors division and Decatur Plastic Products, dated
- 11 February 9, 2004. That seems like the big contract, not the
- 12 baby POs, Your Honor.
- MS. HAFFEY: Well, but then it goes on and says that
- it relates to PO numbers, and then it gives those three PO
- 15 numbers as to what it relates to.
- 16 THE COURT: Okay. So this is really a legal issue as
- 17 to what the assumption entails.
- 18 MS. HAFFEY: We agree with that, Your Honor.
- 19 THE COURT: All right. Okay. Okay, very well.
- MR. MICHAELSON: Good morning, Your Honor. Robert
- 21 Michaelson on behalf of NXP Semiconductors. They're a
- 22 successor to Philips Semiconductors. Following the December
- 23 17th hearing, Your Honor, numerous efforts were made to speak
- 24 to plaintiffs' counsel concerning our assumption of contract
- 25 defense, and a chronology of those efforts are listed in a

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 60 - 11 Pg 64 of 944

- 1 surreply that was filed with this Court late last week.
- Despite numerous efforts, which are documented --
- 3 exhibits are attached to the surreply -- there was no effort
- 4 other than a promise that we would talk, come forth -- coming
- from the debtors. So in other words, what has happened here is
- 6 that the debtor has failed to abide by the Court's directive,
- 7 for which, I submit that there needs to be some consequence.
- 8 The efforts were repeated. They were done in good faith --
- 9 THE COURT: I don't think I have your surreply. I'm
- 10 sorry. When was it filed?
- MR. MICHAELSON: It was filed on Thursday, I believe,
- 12 Your Honor.
- THE COURT: Okay.
- MR. MICHAELSON: NXP Semiconductors.
- 15 THE COURT: So maybe it's -- oh, I'm sorry. You're
- 16 with -- but it's listed under Philips.
- 17 MR. MICHAELSON: It's listed under Philips, yes. We
- 18 are the successor to Philips.
- THE COURT: Okay.
- 20 MR. MICHAELSON: Right. So basically, Your Honor, we
- 21 believe that we have assumed contracts. We have no affidavit.
- We did submit a notice of assumption in earlier pleadings, but
- 23 we don't have an affidavit. And I'll submit as well, that
- 24 after conversations with my client, that we received no notice
- 25 of nonassumption. So essentially what we have here is a

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 61 - 11 Pg 65 of 944

- 1 situation in which, despite our best efforts, there has not
- 2 been a reciprocation, which is in direct contravention of this
- 3 Court's directive, for which we submit there needs to be some
- 4 serious consequence.
- 5 THE COURT: Okay. What's the response on Philips.
- 6 MS. HAFFEY: My records reveal a different story in
- 7 regards to a conversation, Judge. I've got handwritten notes
- 8 from a conversation dating back to earlier in the summer. I
- 9 have had several conversations with Mr. Michaelson. And this
- 10 is another one of those cases where our client says that they
- 11 sent out notices of nonassumption, and that some of these
- 12 transfers may have been assumed and others not. And when that
- has happened, I have told opposing counsel, we'll be glad to
- 14 file a stipulated order of dismissal as to those that we agree
- 15 are assumed.
- 16 THE COURT: Okay. All right. Very well, thank you.
- 17 MR. MICHAELSON: Your Honor, if I may just quickly
- 18 reply? There was no response to the argument that were raised
- in the surreply in the papers that were submitted to the Court
- 20 most recently, by the debtor. And I also respectfully disagree
- 21 with Ms. Haffey concerning her characterization of our
- 22 conversations. My records, which I think are well maintained,
- 23 reflect that we had one telephone conversation in January of
- this year. There were a couple of e-mail correspondences in
- 25 which it was promised that we would have further conversations,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 62 - 11 Pq 66 of 944

- 1 but they were never forthcoming. That's what my records
- 2 reflect, and that's what our submission to the Court last week
- 3 says.
- 4 THE COURT: Okay. My copy of your objection here
- 5 doesn't have Exhibit A to it. Can I see that? Do you have a
- 6 copy of that? It's the letter agreement pursuant to which
- 7 they're --
- 8 MR. MICHAELSON: Yes, Your Honor. I have it here.
- 9 THE COURT: -- assumed.
- MR. MICHAELSON: It was excluded, Your Honor. It was
- 11 an error, and I apologize. That's actually from a different
- 12 pleading, but it is the same --
- 13 THE COURT: This is Exhibit A to your --
- MR. MICHAELSON: That would be Exhibit A --
- 15 THE COURT: -- to your objection to the motion to
- 16 amend?
- 17 MR. MICHAELSON: Yes.
- 18 (Pause)
- 19 THE COURT: Okay. Well, the notice in the letter
- 20 refers to certain contracts -- it uses that phrase "certain
- 21 contracts that are being assumed". And it says "accommodation
- 22 contract and it gives the number. Let me make sure I
- 23 understand this. Is the debtors' position that none of the
- 24 transfers are under these numbers?
- MS. HAFFEY: No, the debtors' position, Your Honor, is

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 63 - 11 Pg 67 of 944

- 1 we have agreed as -- we agree as to certain of the transfers
- 2 were assumed. I'm just looking for my notes right now. And I
- 3 will have to review it better, Your Honor. But my recollection
- 4 of this one is that we agreed that certain were assumed but not
- 5 all, as to what --
- 6 THE COURT: But what I'm -- I just want to --
- 7 MS. HAFFEY: -- but I really need to look at my --
- 8 THE COURT: -- I want to make clear -- I want to make
- 9 sure I understand your position here. On some of these you've
- 10 taken the position that there's a master agreement and the
- debtor didn't assume master agreements, it assumed specific
- 12 purchase order numbers.
- MS. HAFFEY: Unless there's a contract that says
- 14 otherwise.
- 15 THE COURT: Unless there's a contract that says
- 16 otherwise.
- 17 This notice doesn't refer to purchase orders per se.
- 18 It says, "accommodation contract", and then it has specific
- 19 numbers, about forty of them, you know, each of which has pre-
- 20 petition arrearage and an agreed upon cure amount; in excess --
- 21 more than forty. And my question is, it seems to me that the
- 22 PO argument doesn't seem to apply here. This is like specific
- 23 contracts that are being assumed. So it would seem to me that
- you really don't have an argument here, to the extent that any
- of the transfers covered in the complaint is made pursuant to

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 64 - 11 Pq 68 of 944

- 1 any one of these contract numbers.
- MS. HAFFEY: The contract numbers are PO numbers, Your
- 3 Honor.
- 4 THE COURT: All right. So --
- 5 MS. HAFFEY: Those are --
- 6 THE COURT: -- so are you -- so you've carved out all
- of these numbers from your complaint, and your point is, you're
- 8 referring to the other ones?
- 9 MS. HAFFEY: No, what we're saying is, as to the POs
- 10 that are on this Exhibit 1, we agree that some are assumed, but
- 11 we don't agree that all are.
- 12 THE COURT: Well, how can that be? Because they're
- all here on the list saying that they're being assumed.
- MS. HAFFEY: I'm sorry. I'm sorry, Your Honor. I'm
- 15 sorry.
- 16 THE COURT: It's okay.
- 17 MS. HAFFEY: As to the Exhibit 1, the POs that show up
- 18 on Exhibit 1 --
- 19 THE COURT: Right.
- 20 MS. HAFFEY: -- some of these numbers appear on
- 21 Exhibit 1. Other POs that appear in Exhibit 1 are not on this
- 22 exhibit. And that --
- 23 THE COURT: All right. And those are the only ones
- that you're looking to proceed in the complaint on?
- MS. HAFFEY: That's correct. And that's true of the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 65 - 11 Pg 69 of 944

- 1 other defendants we've heard from today. Where we agree that
- 2 there is an assumed PO --
- 3 THE COURT: Well, but the other defendants don't have
- 4 a letter. They're just relying on 8.1 and their statement
- 5 that -- okay. So that seems to be their -- I mean, you're
- 6 relying on an assumption notice. They're saying that they've
- 7 carved out of their complaint every transfer that would be
- 8 under these particular contracts. So --
- 9 MR. MICHAELSON: But that's -- that would be a factual
- 10 question, Your Honor.
- 11 THE COURT: Right.
- MR. MICHAELSON: We disagree --
- 13 THE COURT: All right.
- MR. MICHAELSON: -- that there are any excluded ones.
- 15 But I can't --
- 16 THE COURT: All right. So I think -- I'm not going to
- 17 delay on this one. I think that with record being clear, the
- 18 only issue is as to whether the transfers that they've
- 19 identified that they continue to seek to avoid are under POs or
- 20 accommodation contracts different than the ones listed on this
- 21 Schedule 1.
- MR. MICHAELSON: That would be correct, Your Honor.
- 23 We would have hoped to have had this conversation months ago.
- We haven't had it.
- THE COURT: All right. And that's the diligence

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 66 - 11 Pq 70 of 944

- 1 issue?
- 2 MR. MICHAELSON: Yes.
- 3 THE COURT: Okay. All right.
- 4 MS. HAFFEY: And we disagree with that
- 5 characterization --
- 6 THE COURT: Okay.
- 7 MS. HAFFEY: -- strongly, Your Honor.
- 8 THE COURT: Thank you. Okay. Anyone else?
- 9 MR. HARVEY: Good morning, Your Honor. Brian Harvey
- 10 from Goodwin Procter on behalf of ANSYS Inc., success to Fluent
- 11 Inc., adversary proceeding case number 07-2312.
- 12 Your Honor, I'm not sure if ANSYS is on the
- illustrious list of ten, but we have had a number of
- 14 conversations and correspondence with the debtor concerning the
- 15 assumption issue. ANSYS provided software and software support
- 16 to Delphi. And ANSYS has actually been in conversations with
- 17 Delphi since early 2010 and sent Delphi a letter in July of
- 18 2010, explaining the assumption argument, attaching POs and the
- 19 software license agreement. And it does principally rely on
- 20 the assumption under the plan.
- 21 The reply that we got, which was a sort of oral reply
- 22 in a conversation sometime after we sent the letter, was that
- 23 the debtor simply disagreed and needed additional information.
- 24 There was never a mention of ANSYS having received a notice of
- 25 nonassumption. And this is actually the first I'm sort of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₆₇ - 11 Pq 71 of 944

- 1 hearing of that today.
- 2 ANSYS filed a joinder to the various objections to the
- 3 motion to amend in January of this year. And then last
- 4 Wednesday we received a call -- I received a call from Ms.
- 5 Haffey basically asking for another copy of the letter we had
- 6 sent the previous July and noting that maybe we can work it
- 7 out. I haven't heard anything since then.
- But in the event that we're not on this list, we
- 9 certainly are -- ANSYS is asserting that argument that the
- 10 agreements were assumed under the plan --
- 11 THE COURT: All right.
- MR. HARVEY: -- and all of its rights are preserved.
- THE COURT: But that's not asserted in the joinder?
- MR. HARVEY: It is not.
- 15 THE COURT: Okay. All right. I don't know if they're
- on the list or not. I would -- I mean, for purposes of this
- 17 hearing, I don't think they are, although you still need to
- 18 work with them.
- MS. HAFFEY: Would you care for a response, Your
- Honor?
- 21 THE COURT: No, I think this is more of just a case
- 22 you need to follow up with them.
- THE COURT: All right. Any more?
- MR. MCGRAIL: Good morning, Your Honor. Dave McGrail
- on behalf of Solid State Stamping. The adversary is 07-2633.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 68 - 11 Pg 72 of 944

- 1 Briefly, Your Honor. I sent a letter to counsel for the debtor
- on May 9th. That letter referenced Section 8.1 of the plan,
- and then working within the framework that I think has been
- 4 discussed today, actually attached the executory contract
- 5 schedule and proposed Exhibit 1 to the amended complaint, and
- 6 cross referenced the purchase orders that were in both with
- 7 asterisks, so it couldn't be any clearer.
- 8 Your Honor, we did not attach that letter to the
- 9 surreply, which was basically a joinder. But we did file a
- 10 joinder back in October where we attached an affidavit that
- 11 said that the defendant had only received two pleadings and no
- other pleadings in the case, and by implication, no notice of
- 13 nonassumption.
- Your Honor, we also sent a letter in March, earlier
- 15 this year, requesting documents. And this goes to our
- 16 prejudice issue, but we won't get into that. We've received no
- 17 response to either letter. I followed up with an e-mail last
- 18 week to counsel for the debtor. We exchanged some e-mails, but
- 19 have not had a conversation. We've only had one conversation
- in the case as a whole. So, Your Honor, we'd request that Your
- 21 Honor dismiss as to those purchase orders that we identified in
- 22 our letter as overlapping and assumed. Thank you.
- MS. HAFFEY: Your Honor, my records indicate that
- 24 Solid State did not raise this issue in their brief in
- 25 opposition, so it was not a --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 69 - 11 Pq 73 of 944

- 1 THE COURT: All right. But I mean, they've
- 2 identified -- I mean, are you -- they did identify it in their
- 3 letter, so why -- I mean, is there any issue there on the ones
- 4 that they have identified?
- 5 MS. HAFFEY: I need to refer to my notes, Your Honor.
- 6 Excuse me. My notes, Your Honor, say that we provided info as
- 7 to those that were not assumed and we requested evidence of a
- 8 contract that Solid State relies on. So it's another issue.
- 9 And in fact, I think what opposing counsel just said is his own
- 10 asterisk on this exhibit shows that they think that certain of
- 11 the POs were assumed and others were not assumed.
- 12 So assuming that counsel and I can agree on that, then
- as I stated earlier, to the extent that we agree that some are
- 14 assumed, we will dismiss those as we are required to do.
- 15 THE COURT: Mr. McGrail, what is the evidence of the
- 16 assumption?
- 17 MR. MCGRAIL: Your Honor, because of our prejudice
- 18 issue, we simply have the executory contract list and the
- 19 exhibit that -- the exhibit contract list that was filed --
- 20 THE COURT: So you're relying on --
- 21 MR. MCGRAIL: -- on the docket and 8.1. Yes.
- 22 THE COURT: -- 8.1.
- MR. MCGRAIL: Yes. We don't -- just very briefly,
- Your Honor. The company merged three years ago. We purged all
- 25 of those documents. And that goes to the reason why we

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 70 - 11 Pg 74 of 944

- 1 requested whatever documents the debtor --
- THE COURT: Well, is there anything in the debtors'
- 3 records about notice of nonassumption?
- 4 MR. MCGRAIL: We have -- all we have is the affidavit
- 5 that says that we received only two hard copies --
- 6 THE COURT: Right. No, I'm talking to counsel for
- 7 the --
- 8 MR. MCGRAIL: Oh, I'm sorry.
- 9 MS. HAFFEY: It's my understanding from my client that
- 10 we sent notices of nonassumption as to certain of these POs.
- 11 And I don't think opposing counsel disagrees with that.
- MR. MCGRAIL: I have no way of knowing. I mean, all I
- 13 have is the affidavit which says that we only received two
- 14 documents and that's it. That does not include a notice of
- 15 nonassumption. And, Your Honor, we did not receive the
- 16 response of counsel referred to earlier regarding providing
- 17 additional information.
- 18 THE COURT: Is there a certificate of service or
- 19 affidavit of service on the notices of nonassumption?
- MS. HAFFEY: There should be. I believe there are,
- 21 Your Honor.
- 22 UNIDENTIFIED SPEAKER: Yes.
- MS. HAFFEY: Yes.
- 24 THE COURT: I mean --
- MS. HAFFEY: There are. That --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 71 - 11 Pq 75 of 944

- 1 THE COURT: Maybe one of your colleagues should go get
- on his computer, get on PACER and pull it up?
- 3 MS. HAFFEY: I'm sorry, Your Honor.
- 4 THE COURT: Maybe one of your colleagues should get on
- 5 PACER and pull it up? Okay.
- 6 Okay, anyone else?
- 7 MR. SAYDAH: Good morning, Your Honor. For the
- 8 record, Gilbert Saydah of Kelley, Drye & Warren, here today on
- 9 behalf of TCS America International Corp.
- THE COURT: I'm sorry, TCS?
- MR. SAYDAH: Tata, TCS.
- 12 THE COURT: TCS, right.
- MR. SAYDAH: TCS, correct.
- 14 THE COURT: Okay.
- 15 MR. SAYDAH: It's adversary number 07-02668. And also
- 16 representing various BP and Castrol entities in Adversary
- 17 number 07-02270.
- 18 Your Honor, we are probably not among the illustrious
- 19 ten. My client has had various difficulties finding records
- 20 back this far, due to the age of these cases. However, it's my
- 21 understanding that with respect to at least TCS, Tata, there
- 22 was a notice of assumption that we're attempting to get a copy
- of. I've spoken orally with counsel for the reorganized
- 24 debtors approximately a month ago, raised this issue, and asked
- 25 if they had any evidence to the contrary. I have not heard

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 72 - 11 Pg 76 of 944

- 1 back. Being that it's not prominently raised in our pleadings,
- I don't expect a response in court today. But I just want to
- 3 make --
- 4 THE COURT: Okay.
- 5 MR. SAYDAH: -- the Court aware that with respect to
- 6 both the BP entities and with respect to Tata, that that is a
- 7 defense that we are raising.
- 8 THE COURT: Okay.
- 9 MR. SAYDAH: Thank you, Your Honor.
- 10 THE COURT: You don't need to respond to that one.
- MS. HAFFEY: I'm sorry?
- 12 THE COURT: You don't need to respond to that one.
- MS. HAFFEY: Okay.
- MR. KULBACK: Good morning, Your Honor. Jerry Kulback
- 15 with Archer & Greiner on behalf of defendant Magnesium
- 16 Electron, Inc. It's adversary number 07-2758.
- 17 Your Honor, I find myself in the unique position of
- 18 being a defendant in this action for which an exhibit was not
- 19 attached to the proposed amended complaint that was filed in
- 20 the adversary proceeding itself. The proposed amended
- 21 complaint was filed in September. Magnesium Electron raised
- 22 this issue in its opposition that was filed in November. When
- 23 the debtors filed their reply in January, they did not address
- 24 the issue at all.
- 25 THE COURT: I'm sorry, is this an executory contract

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 73 - 11 Pq 77 of 944

DPH HOLDINGS CORP., ET AL.

1 case? 2 MR. KULBACK: It is, Your Honor. 3 THE COURT: All right. MR. KULBACK: Magnesium Electron filed a surreply in 4 5 June -- on June 17th. And yesterday, at about 4:30, I finally 6 received a surreply from the debtor indicating that in fact, 7 the exhibit was attached and buried in exhibits on the main 8 docket and not in the adversary proceeding itself. This was 9 the first time that I've seen a schedule that actually 10 identifies the purchase orders for which the payments allegedly 11 relate. 12 I haven't had a chance to speak with my client, having 13 received it at 4:30 yesterday afternoon, as to whether, in 14 fact, those payments or those purchase orders were assumed. I 15 know that certain purchase orders of Magnesium Electron were 16 We received notice of assumption as part of, I 17 believe it was the sale of the automotive division. I just 18 haven't had time to speak with my client and look into that 19 issue further at this point and discuss with debtors' counsel. 20 I didn't want my silence and the fact that I may not 21 be on the list of ten, to be taken as a waiver of the issue. 22 THE COURT: All right. That's fine. 23 MR. KULBACK: Thank you. 24 THE COURT: But this wasn't an issue that you've

raised over the last few months or anything like that with

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 74 - 11 Pg 78 of 944

- 1 them?
- 2 MR. KULBACK: The assumption issue?
- 3 THE COURT: Right.
- 4 MR. KULBACK: Well, we didn't know --
- 5 THE COURT: You've been waiting to see what the POs
- 6 were?
- 7 MR. KULBACK: -- we wanted to know what the POs were,
- 8 Your Honor.
- 9 THE COURT: You wanted to see the complaint.
- MR. KULBACK: And we're reserving our rights on that.
- 11 I think it's sufficient at this --
- 12 THE COURT: Well, that's fine. I understand.
- MS. HAFFEY: And we'll work it out with them, Your
- 14 Honor.
- 15 THE COURT: All right.
- 16 MS. GRUBIN: Good morning, Your Honor.
- 17 THE COURT: Good morning.
- 18 MS. GRUBIN: Janice Grubin from Todtman Nachamie. And
- 19 I'm co-counsel to Select Industries Corp. And my co-counsel,
- 20 Paige Ellerman from the Taft Stettinius firm is on the phone
- 21 right now.
- I'm not sure that we are one of the ten identified
- 23 adversaries. Our adversary number is 07-02618. And really
- 24 what I intend to speak to goes to the diligence standard,
- 25 because we are differently situated. Specifically, Your Honor,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 75 - 11 Pg 79 of 944

DPH HOLDINGS CORP., ET AL.

1 we did not know that we had an assumption and release defense 2 until after the December 17th hearing, because we really -- our client has not preserved most of the books and records and 3 witness testimony critical and necessary to prove its defense. 4 5 But nonetheless, we did entreat upon them many times to continue to look and investigate, and we did come up with, 6 7 in our continuing investigation, with several -- with a number 8 of purchase orders and invoices that were assumed, and in some 9 cases assigned, under transactions that are either being 10 performed with the debtor today or with third parties under 11 assumption matters. And we are still undergoing a continuing 12 investigation. 13 We did not attach -- we did not raise this in our opposition to the original motion, although we did raise it in 14 15 our surreply which we filed last Thursday. We do not have any 16 supporting affidavits at this time, because our discussion --17 our investigation is ongoing. We -- it's our view, frankly, 18 Your Honor, that under the Court's December 17th direction, 19 this was the continuing duty that the debtors had and that they 20 should really have been reaching out to all the defendants to 21 see if they had assumption and release issues. 22 This came to the fore, Your Honor, when we prepared and submitted to Mr. Fischer on May 20th, a settlement letter. 23 24 And one of the three issues was assumption and release. 25 subsequently had a discussion with Ms. Haffey, I believe on or

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 76 - 11 Pq 80 of 944

- about May 31st, and we were going to exchange documents. We
- 2 heard nothing. We called her on the 17th, had a flurry of
- 3 calls over the weekend, and we don't agree with each other.
- 4 But I wanted to raise this and let the Court know that this was
- 5 a very live issue relating to Select and the alleged complaint
- 6 and the preferences.
- 7 THE COURT: All right. Listen, if someone -- I mean,
- 8 I don't need to hear from seventy-seven people who -- and I'm
- 9 not faulting you on this. I'm just saying now that I've heard
- 10 a couple people on this issue, I don't need to hear from
- 11 seventy-seven people saying we reserve our rights on this
- issue; if we find a release or an assumption later, we don't
- want to be deemed to have waived it. You won't have waived it.
- 14 This is really just going to the specific context that we're in
- 15 here, right now.
- MS. GRUBIN: Thank you, Your Honor.
- 17 THE COURT: Okay.
- 18 MS. HAFFEY: I just want to briefly address, Your
- 19 Honor, because I feel like I'm being wrongfully characterized
- 20 in not addressing things. I did speak with Ms. Grubin. We had
- 21 a very pleasant conversation. She says it was the end of May,
- 22 sometime in that -- actually I think it was the first of June,
- 23 because it was the last day of school of my youngest son, so it
- 24 would have been that Friday, the first week in June.
- 25 And at that time, it was the first time she raised the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 77 - 11 Pg 81 of 944

- 1 assumption agreement with me. I told her I would get with my
- 2 client and get information from them. My client then
- diligently looked through its records, did that, and then I
- 4 have since sent her a very long list of POs that we say were
- 5 not assumed, and we have agreed to work together, as I have
- 6 with the other defendants, in resolving that matter.
- 7 THE COURT: Okay.
- 8 MR. LUTZ: Your Honor, Douglas Lutz, Frost Brown Todd,
- 9 on behalf of Republic Engineered Products. We have the same
- 10 issue that you just addressed. And I don't want to go into our
- 11 prejudice argument, but candidly, we just found out about
- 12 assumed contracts ourselves within the past month, and we
- 13 attached a notice of assumed contracts to our surreply. And
- 14 the reorganized debtor did respond in their reply and said they
- 15 were going to investigate and, you know, discuss this with us
- 16 and dismiss assumed POs.
- 17 I really would appreciate it if we would give the
- 18 reorganized debtor a deadline to that. That's all I have to
- 19 say.
- THE COURT: Okay.
- MR. LUTZ: Thank you.
- THE COURT: Okay. Anyone else?
- MS. HAFFEY: Can I say -- make one last statement,
- 24 Your Honor, in regards to some -- a legal case that I'd like
- 25 the Court to look at?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 78 - 11 Pg 82 of 944

- 1 THE COURT: All right.
- MS. HAFFEY: It's out of the Southern District of New
- 3 York, In re Adelphia Business Solutions, Inc., 322 B.R. 51.
- 4 And I believe it's 2005. And in this case, Your Honor, the
- 5 court found that when you have a single contract like a master
- 6 agreement or a supply contract, they can be separately assumed
- 7 and they are divisible. So again, it's Delphi's contention
- 8 that though we have some defendants here that argue that they
- 9 had a supply agreement, this case states that despite that, it
- 10 can be a divisible contract and it can be assumed at a -- in
- 11 this case, a PO level.
- 12 THE COURT: But I think the -- I mean, I understand
- that issue, and it depends on the wording of the contracts,
- 14 whether they integrate it or not. But there's another, I
- 15 think, overriding fact here, that's asserted by at least a
- 16 couple of the parties, which is that under the plan, as is
- 17 often the case, all contracts -- they didn't have to be
- 18 identified -- all contracts were being assumed unless
- 19 specifically rejected.
- 20 And -- or unless there's a specific notice of
- 21 nonassumption. So I guess there's a sub-issue to that, which
- 22 is that -- it's your argument, I guess, that certain purchase
- orders covered in the complaints were not executory at that
- 24 time.
- 25 MS. HAFFEY: That's correct. And we --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 79 - 11 Pg 83 of 944

- 1 THE COURT: Although it's not clear to me that those
- 2 have been identified as opposed to relying on notices of
- 3 nonassumption.
- 4 MS. HAFFEY: Well, we also have notices of assumption,
- 5 Your Honor, for POs.
- 6 THE COURT: Well, but you don't need that. You don't
- 7 need notices of assumption.
- 8 MS. HAFFEY: Well, I guess that kind of highlights the
- 9 point.
- 10 THE COURT: What you're saying is, you mean the
- 11 notices of -- the assumptions occurred before the plan, right?
- 12 Is that what you -- because there's no reason to send out
- 13 notices of assumption unless you were working out specific cure
- amounts.
- MS. HAFFEY: That's correct.
- 16 THE COURT: Well, I'm a little at a loss here. You
- 17 identified ten of these where there was an argument that had
- 18 been made that the contract had been assumed, under which the
- 19 antecedent debt arose. And I have tried to keep track of this
- 20 through the seventy-seven or so responses here. I didn't
- 21 really see ten. I did see Victory and Timken and Spartech.
- MS. HAFFEY: When I referred to ten earlier, Your
- 23 Honor, I wasn't limiting it to those that had raised it in
- their opposition.
- THE COURT: Oh, okay. All right.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 80 - 11 Pq 84 of 944

- MS. HAFFEY: But just to let the Court know that
- 2 they'd been brought to our attention.
- 3 THE COURT: That you'd been focusing on them. Okay.
- 4 MS. HAFFEY: Exactly.
- 5 THE COURT: All right. So I'm going to assume, then,
- 6 that everyone who has raised the issue for today, in addition
- 7 to those who didn't raise it today, but wanted to preserve
- 8 their rights, and that I clarified that everyone's rights are
- 9 preserved on that score to raise the issue later, has said
- 10 their piece.
- And it seems to me that there are two issues here.
- 12 One is whether there is evidence that has been asserted in the
- opposition to the motion to amend that is uncontroverted, in
- 14 which case the motion to amend would not be granted, because it
- 15 would be futile. And the second issue is whether I should deny
- 16 the motion to amend because even though there is a live factual
- 17 issue, the debtor has not been diligent in resolving that
- issue, as I had instructed back in December of 2010.
- MS. HAFFEY: May I respond to either of those, Your
- Honor?
- THE COURT: Okay.
- MS. HAFFEY: I'll take the last one first.
- 23 THE COURT: Okay. And I think, in that category of
- 24 the last one is Spartech and Decatur Plastics and NXP, as well
- 25 as, of course, Timken and Victory, but they also, I think, fall

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 81 - 11 Pq 85 of 944

- 1 under the first category.
- 2 MS. HAFFEY: I think the issue of diligence is a
- 3 factual question, Your Honor. I hear what defendants have
- 4 asserted, and the reorganized debtors feel differently and
- 5 argue differently. I do not have my entire case files here
- 6 with me to be able to demonstrate to the Court the
- 7 conversations that we've had with not only the defendants but
- 8 also with our clients, and the amount of work and time that it
- 9 took in some of these cases to get to the bottom, if you may,
- of some of these particular issues.
- And as you heard today, some of these defendants
- raised these issues in a sliding scale of time as to when they
- were brought to our attention. You know, most recently, Ms.
- 14 Grubin's defendants, Select Tools.
- 15 In regards to evidence asserted in response to the
- opposition to the motion, I'll just repeat what I said earlier,
- 17 Your Honor. It was our understanding from the December 17th
- 18 conference with the Court, that this issue was going to be
- 19 taken up at a later time, in a later hearing, and that all we
- 20 to be briefing -- because that was one of the purposes that we
- 21 understood for that conference, was not only to determine what
- 22 was going to be at the hearing today, but also how to direct
- our briefing, because of the number of issues that were raised
- 24 in the -- I think there was ninety-some oppositions filed to
- 25 the motions to amend.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 82 - 11 Pq 86 of 944

DPH HOLDINGS CORP., ET AL.

1 And so we intentionally took that off the table, 2 because we didn't understand that it was going to be heard So we would just ask the Court's indulgence in regards 3 to that and allow us, then, to respond singly to that issue. 4 5 THE COURT: All right. That's the first point -- on 6 the first point I made? 7 MS. HAFFEY: Yes. 8 Okay. All right. I think on the THE COURT: 9 diligence point, I am not going to preclude the debtors from 10 being able to amend the complaint solely on this issue. If 11 there are other cumulative issues pertaining to these parties, 12 it will be a factor. But I am going to require that the 13 debtors make a definitive response to anyone who presents 14 either an assumption notice as did Decatur Plastics, or a 15 statement under oath that our only contractual relationship was under these contracts and they've all been assumed under 8.1 of 16 17 the plan. That the debtor make a definitive response to that 18 within thirty days. I think you're in a position to do that at 19 this point. 20 And that definitive response really needs to show 21 either documents showing that it's covered by other purchase 22 orders, as is the argument on Decatur Plastics, or that there was a notice of nonassumption, as is the response on, I 23 24 believe, Philips Semiconductors/NXP, or a specific legal

argument that the contractual relationship was at the purchase

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 83 - 11 Pg 87 of 944

- order level, and that the applicable purchase orders that serve
- 2 as the basis for the antecedent debt in the complaint, were not
- 3 executory at the time the plan was confirmed.
- 4 And I think that leaves Victory Packaging and Timken.
- 5 On Victory Packaging there's the -- I think there were two
- 6 responses. One is that we sent notices of nonassumption.
- 7 That's something that could be established today, it would seem
- 8 to me, by a certificate of service. If it's there, then there
- 9 will be a factual -- that will be dealt with if the parties
- 10 can't resolve it. If it's not there, then I think if that's
- 11 the basis for the response, then Victory Packaging wins. If --
- 12 why don't we make it tomorrow, since this may be a long
- 13 hearing -- as opposed to today.
- 14 The other issue is -- and that's the same, again, for
- 15 Timken. I don't know whether the issue was really raised with
- 16 regard to either Timken or Victory that the POs that are
- 17 involved in the complaint were not executory at the time the
- 18 plan was confirmed. Is that another issue, another defense?
- MR. HERMAN: Your Honor --
- THE COURT: Has it been raised before.
- 21 MR. HERMAN: -- Your Honor, I think we agree that it
- 22 was executory, because there weren't any POs that were open
- 23 from the 2004 and 2005 period --
- 24 THE COURT: Right.
- MR. HERMAN: -- and 2007. I think Ms. Haffey may say

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 ₈₄ - 11 Pg 88 of 944

- 1 they weren't executory because we got notices of nonassumption.
- 2 So I would be very careful when we say nonexecutory. It is
- 3 Victory's view that there were no open POs -- pre-petition POs
- 4 that could have possibly been assumed or rejected at the time
- 5 the cure payments were --
- 6 THE COURT: No, I understand. But that's not
- 7 necessarily good for Victory, because then 8.1 doesn't
- 8 necessarily help you.
- 9 MR. HERMAN: Well, Your Honor -- no it does, because
- of the supply agreement. That was the only thing they could
- 11 have assumed.
- 12 THE COURT: Well, they have a straight legal dispute
- on that.
- MR. HERMAN: I understand, Your Honor.
- 15 THE COURT: All right. So I think that issue is an
- 16 open issue. And on Timken, what I haven't addressed is the
- 17 waiver and release. And I think there -- I'd like to hear
- 18 later today a response on that, after someone's looked at it.
- MR. SULLIVAN: And, Your Honor, you know, I've been
- 20 asking for information and documents --
- 21 THE COURT: I understand you've --
- 22 MR. SULLIVAN: -- and they say they have none.
- THE COURT: -- been asking.
- MR. SULLIVAN: So I'm not sure how they're going to be
- 25 able to --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 85 - 11 Pq 89 of 944

- 1 THE COURT: Well --
- 2 MR. SULLIVAN: -- to respond.
- 3 THE COURT: -- you gave them -- you gave it to them.
- 4 MR. SULLIVAN: I gave them the assumption agreement
- 5 with the --
- 6 THE COURT: So they can look at that.
- 7 MR. SULLIVAN: -- agreement. Yes.
- 8 THE COURT: Okay. So I want to hear on that today,
- 9 because that's -- you can do that at lunchtime.
- MS. HAFFEY: Mr. Sullivan, do you have that available
- 11 with you today?
- MR. SULLIVAN: I didn't bring it with me today.
- THE COURT: But you sent it, right?
- MR. SULLIVAN: It's in the declarations, and I quoted
- 15 relevant --
- 16 THE COURT: Right.
- 17 MR. SULLIVAN: -- language. And I e-mailed it her the
- 18 same day --
- 19 THE COURT: Well --
- 20 MR. SULLIVAN: -- she asked for it.
- 21 THE COURT: -- well someone can look at it back at the
- 22 office, right?
- MS. HAFFEY: Yes.
- 24 THE COURT: Okay. All right.
- Okay, so I think that covers point 3, which is

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 86 - 11 Pq 90 of 944

- 1 contract assumption.
- 2 MS. HAFFEY: We're moving along.
- 3 MR. HERMAN: Your Honor, could we have someone back at
- 4 the office also look at whether or not there are affidavits or
- 5 certificates of services on these supposed notices of
- 6 nonassumption?
- 7 THE COURT: Well, that's fair. Someone should be able
- 8 to do that, rather than waiting for -- rather than waiting till
- 9 tomorrow.
- MR. HERMAN: Thank you, Judge.
- 11 THE COURT: Okay.
- MS. HAFFEY: Would the Court entertain a five-minute
- 13 break so that I can get people working on this, Your Honor?
- 14 THE COURT: Yes. That's fine.
- MS. HAFFEY: Thank you.
- 16 (Recess from 11:44 a.m. until 11:50 a.m.)
- 17 THE CLERK: All rise.
- 18 THE COURT: Please be seated. All right. We're back
- 19 on the record in the various DPH Holdings adversary
- 20 proceedings.
- 21 MS. HAFFEY: Judge, I have one more cleanup issue that
- 22 I want to bring to the Court's attention, and it relates to a
- 23 relation-back argument. There are certain of the proposed
- 24 first amended complains where, when the complaints were
- 25 prepared and the information that we received from Delphi

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 87 - 11 Pg 91 of 944

- 1 Automotive Systems, whether through clerical error,
- 2 administrative error, frankly I don't know which -- but certain
- of the complaints, the amounts in the complaints were doubled.
- 4 We talked to defendants' counsel in the situations -- we've
- 5 seen this has happened when it's been raised to us. And we
- 6 will be reducing those at whatever direction this Court gives
- 7 us, either by stipulation or preparing a new exhibit. But it's
- 8 very clear on most of the faces of them, which ones these are,
- 9 that they doubled.
- 10 In other situations, there are certain of transfers
- 11 where it's just one or two transfers that were doubled or the
- amount changed to a certain degree. But what we're
- representing to the Court is that we're not going to be
- 14 asserting any claim against any of the defendants for any
- 15 amount greater than what was on the original complaint.
- 16 THE COURT: Okay.
- 17 MS. HAFFEY: Okay. As to -- I'm going to get into the
- 18 pleading standards now, under Rule 8 and Igbal-Twombly. And as
- 19 this Court, and I think everyone in this room is all too aware,
- 20 to state a preference claim there are certain things that a
- 21 plaintiff must allege. It's got to allege that there was a
- transfer in interest of the debtor in the property, to or for
- 23 the benefit of the creditor, on account of an antecedent debt,
- 24 made while the debtor was insolvent, on or within ninety days
- 25 before filing of the bankruptcy, and that it enabled the debtor

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 88 - 11 Pg 92 of 944

- 1 to receive more than it would have, if the debtor had brought
- 2 its case under Chapter 7 and the transfer hadn't been made, and
- 3 the defendant received payment of such debt, to the extent
- 4 provided by the Bankruptcy Code.
- 5 Rule 8 of the Federal Rules of Civil Procedure
- 6 requires that a complaint contain a short and plain statement.
- 7 And relatively recently, again, as we all know, Twombly and
- 8 Iqbal decisions clarified that Rule 8 pleading standard to now
- 9 require that the complaints contain sufficient factual
- 10 allegations to make the asserted claims facially plausible.
- 11 And plausible is the key here, Your Honor.
- 12 Contrary to what several of the defendants have
- asserted, the new plausibility standard under Twombly and
- 14 Iqbal, doesn't require that the defendant -- excuse me -- that
- 15 the plaintiff provide factual information in its complaint to a
- 16 heightened pleading level. Rather, what Twombly and Igbal say
- 17 is that it has to reach a plausibility standard, taken in
- 18 context with the situation and with this Court's guidance and
- 19 common sense, to determine whether or not the plaintiffs have
- 20 alleged a plausible complaint. So it's context-specific, Your
- Honor.
- Notwithstanding that, the defendants are going to
- argue to this Court differently, and they're going to rely on a
- 24 string of cases out of the Bankruptcy Court in North America
- 25 (sic), the Comerica decisions.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 $_{89}$ - 11 Pg 93 of 944

1	THE COURT: North Carolina.
2	MS. HAFFEY: Excuse me. What did I say?
3	THE COURT: North America.
4	MS. HAFFEY: I'm sorry, North Carolina. Context is
5	important. And here the context is preference litigation. And
6	so the appropriate plausibility inquiry must proceed in that
7	context, informed, of course, as Iqbal requires, by this
8	Court's experience and of common sense. And this Court has a
9	lot of experience with the Delphi bankruptcy and how Delphi
10	operated.
11	To point out, as a bankruptcy court in Florida
12	recently said and this is the TOUSA Homes decision that
13	any requirement that a preference complaint provide more
14	information than the who transferred what to whom and when, is
15	to mandate pedantry and to return to those dates to gotcha
16	pleadings. Plaintiffs are allowed to rely on discovery to
17	further enhance their case as defendants are allowed to rely on
18	discovery to support their defenses.
19	Now, Twombly and Iqbal are recent decisions, so there
20	are relatively few post-Iqbal decisions in which courts have
21	interpreted what this standard is. And again, defendants rely
22	substantially on the Comerica bankruptcy decisions out of North
23	Carolina. Plaintiffs, however, on the other hand, point
24	this well first, plaintiffs point out to this Court that the
25	Comerica decisions have never been adopted by this Court. And

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 90 - 11 Pq 94 of 944

- 1 in fact, Comerica relies on a decision called Valley Media.
- 2 And Valley Media was expressly not adopted -- rejected by this
- 3 Court.
- 4 And a decision that is instructive is a recent
- 5 decision of the Southern District of New York; HydroGen, it was
- 6 April of 2010. And in that case, while the complaint was
- 7 dismissed and the plaintiff was allowed to amend, the reason
- 8 why is the court there said that it didn't provide a single
- 9 relevant detail such as date, amount or type of transfer. The
- 10 complaints in this case, Your Honor, do that and so much more.
- 11 The other standard, Your Honor, is the standard, as I
- 12 stated earlier, is your order of September 7, 2010, the
- dismissal order, where this Court said that we had to set forth
- 14 the transferor, the transferee, any known subsequent transferee
- 15 against whom relief is sought, the antecedent debt, and which
- 16 reorganized debtor is the plaintiff. And this Court
- 17 specifically said that you were not going to state whether or
- 18 not it had to go down to the specific invoice level, and we
- 19 were going to look at it in context.
- I'm going to deal with antecedent debt, as I said
- 21 earlier. Mr. Klein will be dealing with the debtor, and then,
- 22 Mr. Sendek will be dealing with the insolvency issue.
- 23 Antecedent debt has two significant components, the
- 24 antecedent and the debt. And this Court defined debt in In re
- 25 Enron as liability for a payment, whether or not such liability

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 91 - 11 Pq 95 of 944

- is reduced to judgment, liquidated, unliquidated, fixed,
- 2 contingent, mature, unmatured, disputed, undisputed, legal,
- 3 equitable, secured or unsecured.
- 4 The Bankruptcy Code does not define the overall term
- 5 "antecedent debt", except that Section 547(b)(2) requires the
- 6 subject debt to be owed by the debtor before the transfer was
- 7 made. And as I just said, Mr. Klein will be dealing with the
- 8 section of "by the debtor".
- 9 There's no single formula as to how to plead
- 10 antecedent debt. And specifically in the context of preference
- 11 actions, there's no specific formula. And again, it goes back
- 12 to because this is a context-specific analysis. Every business
- 13 has its own unique set of practices and its own unique way of
- documenting its transactions. So for that reason, every debtor
- 15 pleading a preference claim will also have its own way of
- 16 pleading antecedent debt.
- 17 In this case, Delphi Automotive Systems operated with
- 18 a DACOR system. First of all --
- 19 THE COURT: A what? I'm sorry.
- MS. HAFFEY: A DACOR payment system. But let me back
- 21 up just a moment, because I think it's important to understand
- 22 that DAS was -- and I know the Court is very familiar with
- 23 this -- was a material and automotive part supplier. In fact,
- 24 at the time of its filing, it was part of an affiliated group
- 25 of companies that was the largest automotive supplier in the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 92 - 11 Pq 96 of 944

- 1 world. It offered a very diverse range of products to various
- 2 automotive OEMs. And because of that, its supply base was
- 3 extremely large, deep, and very diverse. So it operated on an
- 4 automated payment system. And I referred to it at DACOR just a
- 5 moment ago, and that stands for Disbursement Analysis Control
- 6 and On-Line Reporting system.
- 7 In addition, DAS's terms and conditions expressly
- 8 provided and told its suppliers that it was using this
- 9 automated system. I believe the purchase orders often
- 10 referenced the DACOR system, but certainly the suppliers were
- informed of the DACOR system. And that is how --
- 12 THE COURT: Could you just -- I mean, just for the
- transcript, could you spell, when you're saying DACOR, what
- 14 you --
- 15 MS. HAFFEY: Sure. It's an acronym. It's D-A-C-O-R.
- 16 THE COURT: Okay. And this --
- 17 MS. HAFFEY: Disbursement Analysis Control and On-Line
- 18 Reporting.
- 19 THE COURT: -- and this is for D-A-S, DAS.
- MS. HAFFEY: That's correct.
- 21 THE COURT: Delphi Automotive Systems. Okay.
- MS. HAFFEY: And DAS's use of this system is pled in
- our proposed first amended complaints in paragraphs 16 and 17,
- 24 where we state that plaintiff did not accept physical invoices
- from defendant in connection with defendants' shipments of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 93 - 11 Pg 97 of 944

DPH HOLDINGS CORP., ET AL.

1 goods or provisions.

In effect, what happened, Your Honor, is that when the

- 3 supplier -- the supplier would receive a purchase order from
- 4 DAS. When the supplier then was ready to perform its service,
- 5 whether it was producing goods, whether it was producing
- 6 tooling, whether it was providing services, either a shipping
- 7 bill, a bill of lading, something was provided to the -- to
- 8 DAS, and at that time, then, entered into its DACOR system that
- 9 it had received: a service, tooling, goods; and a payable
- 10 entry was recorded. And it's that system that shows that there
- 11 was an antecedent debt because it was a payable.
- Now, in our first amended complaints -- I'll walk you
- through paragraph by paragraph to show how we pled antecedent
- debt. First of all, in paragraph 13, we've alleged the
- 15 existence of agreements. Secondly, in the same paragraph, DAS
- 16 alleges the nature of that agreement, where we say if it was a
- 17 purchase for goods; where we say it was a purchase for tooling;
- 18 where we say it was a purchase for services. And I understand
- 19 a couple of defendants have said, oops, you've got it wrong; we
- 20 weren't goods, we were tooling. The POs that we reference
- 21 attached at Exhibit 1 make it clear what it was and what the
- 22 nature of the agreement was. Some of those instances, the
- 23 parties sometimes had both goods and tooling services provided.
- In paragraph 15, we say what the defendant was
- 25 required to do. More specifically, we allege that the creditor

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 94 - 11 Pg 98 of 944

- 1 was required to ship certain goods or certain tooling or to
- 2 provide services.
- Next, then, in paragraph 18, we allege that the
- 4 defendant actually performed its obligation under the contract,
- 5 whether by shipping the goods or tooling or providing the
- 6 services. And then, also in paragraph 18, we allege, after the
- 7 date of defendants' performance, DAS made the specific
- 8 payments.
- 9 Now, this -- what I just read you, those paragraphs,
- 10 those are the face of the complaints. In support of the face
- of the complaint, and to complement the complaint and add to
- the complaint, the exhibits to the complaint are extremely
- important. And as this Court may recall -- if not I'd be happy
- 14 to show the Court -- what the original complaints in this
- 15 matter looked like.
- 16 The original complaints had, on the face of them, a
- 17 Delphi Corporation, et al. identified as the plaintiff, and
- 18 attached an exhibit of I think twenty-some reorganized debtors
- 19 but didn't identify which particular plaintiff was bringing the
- 20 preference action. In multi-defendant cases it identified on
- 21 the case caption and in the recitals of the complaint the
- various defendants. But then through the face of the complaint
- and on the exhibit, it didn't identify which of the defendants
- 24 received which transfer. And then on the exhibit, all it
- 25 showed was an amount -- it showed an amount -- excuse me --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 95 - 11 Pq 99 of 944

DPH HOLDINGS CORP., ET AL.

1 date, amount and whether it was a wire, EFT or a check. 2 We went back -- when those complaints were filed, it 3 was pre-Twombly, it's my recollection as far as the date. But 4 they were filed understanding that they were meeting the 5 pleading standards at that time. But after this Court ruled us 6 to go back and amend, we went back, and the exhibits now 7 attached to the complaint are far more detailed. We have 8 included on the complaint the transferring entity down to --9 excuse me -- the transfer entity. We have indicated the 10 transferee. And where there are multiple entities, we have 11 listed by transfer line item, which transferee received that 12 transfer. 13 We've provided the date for each transfer. And then where in the past complaints it was a lump sum item for days --14 15 so let's say, for instance, we're talking about August 4th, and there would be a lump sum of 650,000 dollars, going back and 16 17 looking at DACOR and the payment system, that 650,000 dollars 18 may have been a payment that when you broke it down it was for 19 a number of -- payments on a number of different invoices or

suppliers would have that information. We had complaints that
went from one-page exhibits to over 300 pages of line items.

That's how detailed those exhibits are.

And then lastly, we identified for them purchase

POs. We broke that down by the line level so that the

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orders. We identified what we have labeled in the column as an

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 96 - 11 Pg 100 of 944

- 1 invoice. And maybe a more accurate description would be called
- 2 a process number. When that DACOR system received the payable
- 3 information -- let me back up for a moment.
- 4 Delphi was a paperless company. And it told its
- 5 suppliers not to send it invoices. So when it got information
- 6 as to a shipment and that information, that payable information
- 7 was input into DACOR, DACOR then would designate a process
- 8 number. So that's what the number is on the complaints. It's
- 9 either a PO number, it's a process number, and in some
- 10 situations, I think it's a check number. And then we
- identified how the transfer was made. It was either by an EFT,
- which is either a wire or another type of electronic fund
- 13 transfer, or it was paid by check.
- 14 Again, a tremendous amount of information. It took
- 15 DAS a tremendous amount of time to go through its system and to
- 16 compile all of this information.
- 17 So the defendants come to you today and say that's
- 18 still not enough. They have the date in which the tran -- and
- 19 again, going back to the context of a preference action and
- 20 what these transfers were about, it's payment for the goods and
- 21 the services that their clients provided. And it gives the
- 22 date in which they received the payment. It gives the date in
- 23 which the amount was provided to them, down to, again, the
- invoice or the PO level. Because we understand, some of these
- 25 suppliers are large, and they had large relationships with DAS.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 97 - 11 Pg 101 of 944

DPH HOLDINGS CORP., ET AL.

1 But they can look, now, down to the individual transaction that 2 they provided to our client, and which we then made a payable 3 against. 4 So any argument that these complaints, the exhibits, 5 don't provide antecedent debt, Your Honor, we think is just 6 It's requiring a pleading level that is far beyond 7 what is required under even the Comerica cases. And certainly 8 it's far more than what has been required under a large 9 majority of the circuits that have reviewed Twombly and Iqbal. 10 And I'd point this Court to the attention of C.R. 11 Stone, which is 434 B.R. 208 out of Massachusetts, where there 12 the antecedent debt that was pled was very -- frankly rather vague. It says, "By unilaterally and wrongfully holding monies 13 due to C.R. Stone we paid, " and it lists certain entities, "at 14 15 that time". And the Court there said that that was sufficient 16 for preference claims. 17 And In re N.M. Holdings Co. LLC -- and this is a 2009 18 decision of the Bankruptcy Court out of the Eastern District of Michigan -- the court said there, naming the debtor-transferor, 19 20 the transferee, the form of transfer, check, and then the 21 amount, was sufficient under the Twombly-Iqbal standards. 22 Similarly In re Allou Distributors, which is a bankruptcy decision out of the Eastern District of New York in 2008, had 23

the same result as the Eastern District of Michigan decision.

I think I've stated already that the Comerica decision

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 98 - 11 Pg 102 of 944

DPH HOLDINGS CORP., ET AL. 1 has not been adopted by this circuit, so we don't think it's a 2 decision that the Court should rely on. But even if it did, we 3 have sufficiently alleged that. 4 Now, defendants I think are going to say, Your Honor, 5 they haven't pled the nature and the amount of each antecedent 6 But I think what they're forgetting -- or not -- maybe 7 forgetting is not the right word -- what they're not 8 considering is the fact that we have, again, identified on the 9 exhibits, the purchase orders and/or the process numbers that 10 were driven from the very documents that their clients supplied 11 to us when they shipped the goods. And it is on those very 12 documents, the purchase orders or the billing shippers, which 13 that process number relates back to, that identified the very 14 nature of this agreement, whether it's a shipment of goods, 15 whether it was a provision of services. 16 And the case of -- and I may destroy the name here --17 Meg Giafica (ph.) v. Blumenthal, which is out of the Second 18 Circuit, says that when we incorporate documents and refer to documents in our complaint, it's incorporated. So those POs 19 and those invoices are all incorporated within our complaint. 20 21 Now, because of the DACOR system and the way it 22 operated, and it generated a payable, that shows that the debt was on account of an antecedent debt. There would not have 23 24 been that payable but for the service being performed, but for

the goods being delivered. So, again, by attaching the exhibit

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 99 - 11 Pg 103 of 944

- 1 in the detail that we have we have demonstrated that the nature
- of the debt and that the debt was antecedent.
- 3 THE COURT: What if the exhibit, as is the case in
- 4 some of these complaints, is blank in that box? The purchase
- 5 order invoice number.
- 6 MS. HAFFEY: I'm sorry? I didn't hear the last part,
- 7 Your Honor.
- 8 THE COURT: In some of these complaints, like in the
- 9 Applied Biosystems complaint, the antecedent debt purchase
- order/invoice number box is blank. What should I take away
- 11 from that?
- MS. HAFFEY: Well, I guess, two things as to that one.
- 13 Applied Biosystems hasn't filed an opposition, but, more
- 14 broadly, Your Honor, in regards to the -- there are a, and it
- is a relatively few number but a significant number and,
- 16 actually, an important number, of transfers where there was a
- 17 blank. And it relates back to that DACOR system that I was
- 18 referring to earlier. The DACOR system is a system that's,
- 19 again, an automated payment processing system. Leading up to
- 20 Delphi's bankruptcy there was in the news the potential
- 21 imminent threat of bankruptcy, and the supplier base was
- 22 getting nervous. They were getting concerned. They were
- 23 calling Delphi and in certain situations were demanding what
- Delphi internally referred to "hostage payments". And there
- 25 were then payments that were made to defendants that were on

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{100} - 11 Pg 104 of 944

- 1 account of the antecedent debt but that were due yet they were
- 2 accelerated payments, and they demanded to be paid on modified
- 3 payment terms. They demanded to be paid accelerated payment
- 4 terms, and, generally, those were in lump sum payments.
- Now, at the time when DAS was directed by this Court
- 6 to go through and to provide additional information we went
- 7 through our payment system and provided that information, and
- 8 it wasn't until a little later we started noticing that we have
- 9 these blanks and why. And we started digging deep down, and
- 10 you couldn't pull it off of the payment system because they
- 11 weren't there. These weren't payments that were made off of
- 12 the DACOR system. So we did a deeper dive into the records,
- and what've we discovered, Your Honor, are these are the exact
- 14 payments that the statute is designed to protect the estate to
- 15 avoid. These are the payments that are out of ordinary course
- 16 and that the supplier base was demanding that Delphi provide to
- 17 them.
- 18 Now, the question is but does that show me antecedent
- 19 debt.
- 20 THE COURT: No, my question is is that in the
- 21 complaint? I don't think so. What you just told me isn't in
- 22 any of the complaints, is it?
- MS. HAFFEY: Well, actually, I think it is.
- 24 THE COURT: It is?
- 25 MS. HAFFEY: And where it is, it's on the exhibit.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.01}$ - 11 Pg 105 of 944

- 1 THE COURT: Okay.
- MS. HAFFEY: Because if you look back at the exhibit
- 3 what you see there is you see a payment on the day, on the
- 4 amount -- excuse me. To the transferee on the day and on the
- 5 amount that their client specifically negotiated to receive
- 6 these payments. So, again, we're going back to a plausibility
- 7 standard in which it --
- 8 THE COURT: But you're relying, I guess, on -- I mean,
- 9 it could be a payment in advance or a COD.
- MS. HAFFEY: We're --
- 11 THE COURT: You're relying on the -- just on the
- 12 relationship, right, that they -
- MS. HAFFEY: We're relying on the relationship.
- 14 THE COURT: That they had a supplier relationship or a
- 15 service or service relationship.
- 16 MS. HAFFEY: And I'll give you an example, Your Honor.
- 17 Methode has an argument and claims, and I believe Mr. Jacob may
- 18 be here today and may be speaking to the Court, but Methode
- 19 Electronics makes an argument that they received this payment
- 20 and it's not on account of antecedent debt. And our records
- 21 show that it has a statement on the -- Delphi ended up doing a
- 22 paper document that we've, again, since, in this deeper dive
- discovered that has on it that it's an expedited payment, and
- 24 to the tune of three million dollars on October 6th on the cusp
- of bankruptcy.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{102} - 11 Pg 106 of 944

- 1 Now, there's a legitimate dispute between the entities
- 2 as to whether or not that was -- they claim it was on account
- of -- not on account of antecedent debt, and we argue that it
- 4 was, because it says it has an expedited payment. Again, this
- 5 is a plausibility standard, and by having the date --
- 6 THE COURT: Well, is it just plausibility? I mean,
- 7 Twombly says you're not supposed to just plead the statute, and
- 8 Igbal reiterated that you -- I, rather, must identify the
- 9 allegations that are not entitled to the assumption of truth
- 10 because they are legal conclusions, not factual allegations.
- MS. HAFFEY: And not just --
- 12 THE COURT: So if you're just pleading antecedent debt
- alone, without what you just told me, for example, or,
- 14 alternatively, an invoice, isn't it just pleading the statute?
- 15 MS. HAFFEY: No, because it's not formulatic (sic)
- 16 pleading in the sense that we had provided the suppliers with
- 17 the date and the transfer and the amount as to what the payment
- 18 was.
- 19 THE COURT: But not whether it's antecedent. Isn't
- 20 that one of the statutory elements?
- 21 MS. HAFFEY: Well, again, on the face of the
- 22 complaint, though, we do state that these were all made for the
- 23 payment of goods or services, and then the Exhibit 1 supports
- 24 that. So --
- 25 THE COURT: So you're -- but I think that goes back to

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.03}$ - 11 Pg 107 of 944

- 1 my question. Your point about where the exhibit has a blank as
- 2 opposed to an invoice, what's in the complaint to support the
- 3 fact that it's antecedent debt is the paragraph in the
- 4 complaint that says that the defendant supplied goods or
- 5 services.
- 6 MS. HAFFEY: And that the goods -- and that it was
- 7 paid on account of the performance of those goods and services.
- 8 THE COURT: Okay.
- 9 MS. HAFFEY: And I would like to, again, point back to
- 10 this Court that --
- 11 THE COURT: All right. Well, why don't we look at the
- 12 Methode one just to see if that --
- MS. HAFFEY: Well, Methode doesn't have a blank, so
- 14 maybe it's not the greatest example --
- THE COURT: Oh, okay.
- MS. HAFFEY: -- for you.
- 17 THE COURT: All right. Well -- all right. Then we
- 18 can -- I'm sorry. I got you up when I didn't need to.
- 19 UNIDENTIFIED SPEAKER: Okay.
- 20 THE COURT: All right.
- MS. HAFFEY: Generally, Your Honor, there is --
- 22 THE COURT: I mean, your point on Methode is that --
- MS. HAFFEY: My point on Methode --
- 24 THE COURT: There's just a dispute between you and
- 25 them on whether it's antecedent or not, but that you said it's

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.04}$ - 11 Pg 108 of 944

DPH HOLDINGS CORP., ET AL.

1 antecedent and that's enough for --2 MS. HAFFEY: And --THE COURT: -- Rule 8. 3 MS. HAFFEY: And the underlying documents, which are 4 5 on the date, the amount of, and to the transfer show that there 6 was a payment made on that day and the underlying documents, 7 our underlying document says that it was an expedited payment. 8 Now, as to others, what is a typical scenario, Your 9 Honor, is typically on October 4th, October 6th or October 7th 10 tended to be the dates these payments were made to the 11 defendant, and they are, again, those very payments, and this 12 is where we ask the Court to use its common sense here, we're 13 leading up to bankruptcy. The bankruptcy filing was on October 14 8th. And you have inordinate payments here, in some amounts, 15 that you didn't have before when looking at the rest of the 16 transactions, and we provided the date and who the payment went 17 to, and it is the suppliers. I mean, if any -- if there was 18 any transfer on the exhibits that the supplier base is most 19 aware of and understand that it's an antecedent debt it's 20 particularly these transfers. 21 THE COURT: Okay. 22 At the very least, Your Honor, the stage we're at right now, we are at the stage of seeking leave for a first 23 24 amendment. And the pleading standards here are very liberal,

and this Court can allow DAS to go back as to those one line

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.05}$ - 11 Pg 109 of 944

- 1 items now that we have -- because we have found for these, and
- 2 I can show you examples of them, the payment deviation forms
- 3 that show -- that record that these are no net seven day
- 4 payments. These are an expedited payment to pay for these past
- 5 two invoices. Some of them have settlement agreements
- 6 demanding payment. We can go back and fill in that column, and
- 7 the standard here is only if it would be futile to allow us to
- 8 do so. And it would not be futile to allow us to do so.
- 9 THE COURT: This is where there's a blank on the --
- 10 MS. HAFFEY: That's correct.
- 11 THE COURT: -- schedule? Okay. Okay.
- MS. HAFFEY: I don't know if you would like to
- 13 entertain --
- 14 THE COURT: Why don't I -- so that this is -- you're
- 15 done on the antecedent debt point --
- MS. HAFFEY: Yes.
- 17 THE COURT: -- subject to rebuttal, of course. Okay.
- 18 So why don't I hear from the objectors on this point?
- MR. BOWLES: Your Honor, Chip Bowles, Greenebaum Doll
- 20 & McDonald, for DSSI. As we talked earlier, there were certain
- 21 people who were selected. I am one of the people selected on
- lead defendant to address the entire issue of antecedent debt.
- I can go through that generally or I can answer Your Honor's
- last client, because my client is one that does, in fact, have
- 25 not only blanks but the debtors' admission that they had no

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.06}$ - 11 Pg 110 of 944

- documents at the time you required them to file the amended
- 2 complaint that would support that there was any antecedent
- 3 debt.
- 4 THE COURT: Well, let's go to the blanks point first.
- 5 I --
- 6 MR. BOWLES: I you want, Your Honor, I have a copy of
- 7 their proposed amended complaint.
- 8 THE COURT: No, I have it right here.
- 9 MR. BOWLES: Okay.
- 10 THE COURT: And I'm looking at the Exhibit 1.
- MR. BOWLES: If you look at Exhibit 1 for Delphi it
- 12 has a transfer recipient, contracted entities, obligor
- 13 entities, transfer date, transfer amounts, transfer time. Not
- 14 a single statement about antecedent debt.
- 15 THE COURT: Well, they have a column that says
- 16 "Antecedent Debt: Purchase Order/Invoice Number".
- 17 MR. BOWLES: In the Delphi? In DSSI? This would be
- 18 07-02236.
- 19 THE COURT: Oh, no. I'm looking -- I'm sorry. I am
- 20 looking at --
- 21 MR. BOWLES: If I might approach? This might be
- 22 easier, Your Honor.
- 23 THE COURT: This is not DAS v. Methode Electronics?
- MR. BOWLES: No.
- THE COURT: All right.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.07}$ - 11 Pg 111 of 944

- 1 MR. BOWLES: This is DSSI.
- 2 THE COURT: All right. You have either --
- 3 give me that one.
- 4 MR. BOWLES: Here.
- 5 THE COURT: Oh, okay. So this is not Methode.
- 6 MR. BOWLES: No, no, no, no.
- 7 THE COURT: All right. All right. Fine.
- 8 MR. BOWLES: You were asking for one. I just happened
- 9 to be the person who was going to do it and happened to have
- 10 one that is.
- 11 THE COURT: Okay. Very well. Yes, this exhibit,
- 12 right, does not have --
- MR. BOWLES: Right.
- 14 THE COURT: -- invoice --
- 15 MR. BOWLES: And if Your Honor will --
- THE COURT: -- or PO numbers.
- 17 MR. BOWLES: -- will turn to, I believe it is paragraph
- 18 18 of their complaint, which has their statement about
- 19 antecedent debt. If you'll note in that paragraph they admit
- 20 that they have no evidence of antecedent debt. Their entire
- 21 pleading -- I'm not sure of the exact paragraph number,
- because, unfortunately, it's my only copy, they say on
- information and belief the documents that may prove antecedent
- debt are in the defendants' possession.
- 25 Your Honor, one important thing that I think Ms.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.08}$ - 11 Pg 112 of 944

- 1 Haffey has been overlooking is the important date of when these
- 2 allegations and arguments may, as Your Honor has so rightly
- 3 noted, was when they filed either their proposed amended
- 4 complaint under this Court's orders or, perhaps, even their
- 5 response. They did neither. So I think, Your Honor, as a
- 6 matter of law under Igbal and Twombly and your orders, if there
- 7 are blanks or, as we were going to argue earlier, functional
- 8 blanks that do not show antecedent debt but just have a string
- 9 of numbers that are not debt obligations I think that's the end
- 10 of their case.
- 11 THE COURT: Well, I'm sorry. Let's just take on this
- 12 point first.
- MR. BOWLES: That's fine.
- 14 THE COURT: This, and I apologize for taking your
- 15 copy. It wasn't paragraph 13. It was paragraph 23. And it
- 16 says "Plaintiff made or caused to be made each transfer".
- 17 We're still on Exhibit 1. And it does list the transfers. And
- 18 then it simply says "for or on account of antecedent debt". I
- don't see any, Ms. Haffey, I don't see anything in this
- 20 particular complaint, other than paragraph 14, which says that
- 21 "DTI", which is not a plaintiff here, "and plaintiff entered
- into certain service agreements with defendants for the
- 23 performance of various services. And plaintiff assumed or
- otherwise became obligated for all payment obligations
- 25 thereunder". That's the paragraph that sets up a relationship,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₀₉ - 11 Pg 113 of 944

- 1 a service agreement, but then it just says that the transfers
- 2 were on account of antecedent debt, which seems to me at least
- 3 verging on making a conclusory allegation by just repeating the
- 4 statute.
- 5 MR. BOWLES: Yes, Your Honor. And one small thing in
- 6 mind. Ms. Haffey has been saying but, Your Honor, we should
- 7 get another bite of the apple. That's more of a general
- 8 argument. But one thing she keeps talking about is discovery
- 9 can cure this.
- THE COURT: No, it can't.
- MR. BOWLES: Right. The Twombly case very clearly
- 12 says --
- 13 THE COURT: You have to get -- I mean, that's the
- 14 whole reason for Twombly and Iqbal is to avoid discovery --
- MR. BOWLES: Right.
- 16 THE COURT: -- where there's nothing on its face other
- 17 than a conclusory allegation --
- MR. BOWLES: Right.
- 19 THE COURT: -- ala Twombly or an implausible allegation
- 20 ala Iqbal.
- 21 MR. BOWLES: Right. And if there's any argument she's
- 22 going to make, as it said, it wasn't made by them in the
- 23 pleadings this Court required, so I don't think it has any
- 24 relevance at all what they may or may not, could or could not
- 25 have discovered. They would just file by the day, I believe it

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{110} - 11 Pg 114 of 944

- 1 was September 7th, the proposed amended complaints. If they
- did that by then, whatever they alleged in there is before this
- 3 Court. Anything they found subsequent, Your Honor, which they
- 4 haven't brought to this Court's attention until very recently
- or this day, I think, is pretty much irrelevant. But in our
- 6 case, as Your Honor said, we don't think there's any showing of
- 7 antecedent debt or, for that matter, even that these were
- 8 payments on debt. And they also admit they have absolutely no
- 9 documents that would ever show that, so --
- 10 THE COURT: Okay. So what's the response on that all?
- MS. HAFFEY: Yes. Thank you, Your Honor. First I'd
- 12 like to say that this particular complaint with the paragraph
- 13 that was cited to you by counsel is a one of a kind and unique
- 14 complaint. You won't see that language anywhere else and --
- 15 THE COURT: Right.
- MS. HAFFEY: -- my response to that is, Your Honor, and
- 17 I go back to the futility argument. What I was saying earlier
- 18 was not that we should be allowed to do discovery. It's clear
- 19 that under Twombly/Iqbal we have to state a claim that is
- 20 plausible on its face. It's also clear, though, that this
- 21 Court has the ability, if it thinks that the complaint on its
- 22 face right now does not meet a standard, we have an amended --
- 23 this Court can allow us an opportunity to rectify, fix,
- 24 provided additional information --
- THE COURT: All right. But that's a discretionary

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₁₁ - 11 Pg 115 of 944

- 1 issue.
- 2 MS. HAFFEY: It is a --
- 3 THE COURT: But I first need to decide whether this
- 4 complies with Twombly and Igbal, and, again, I view Twombly and
- 5 then as reinforced by Igbal as saying more than plausible on
- 6 its face. I think it's also saying that, you know, again, as
- 7 Iqbal says, before you get to plausibility you've got to decide
- 8 which allegations are not entitled to the assumption of truth
- 9 because they're legal conclusions not factual allegations. And
- 10 I'm having a hard time seeing why this isn't a legal conclusion
- 11 as opposed to a factual allegation.
- MS. HAFFEY: And, again, I go back to, Your Honor, the
- 13 factual allegation is when you look at the date and you look at
- 14 the transfer amount and the transfer it went to, those were on
- 15 account of antecedent debt. I mean, they were transfers for
- 16 payables.
- 17 THE COURT: But, see, that -- I mean, you're basically
- 18 saying that the date indicates that the -- because it was right
- 19 around the time when Delphi was at its most susceptible to
- 20 pressure that I should assume that it was on account of
- 21 antecedent debt as opposed to simply succumbing to pressure.
- 22 It could have been a deposit. It could have been COD.
- 23 THE COURT: And I'm relying on those decisions that I
- 24 referred to earlier, Your Honor, in where they found that the
- 25 date, the amount, the transferor and the transferee was

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{12} - 11 Pg 116 of 944

- 1 sufficient under the Twombly/Iqbal standards --
- 2 THE COURT: But isn't that --
- 3 MS. HAFFEY: -- which is what we had there.
- 4 THE COURT: At least the last case that you cited,
- 5 wasn't that a case where it wasn't an ongoing contractual
- 6 relationship. It was a case where they -- the facts themselves
- were pled, as opposed to just that they were supply
- 8 relationships.
- 9 MS. HAFFEY: Well, the facts here are pled as well,
- 10 too, Your Honor.
- 11 THE COURT: But it's a debt -- I mean, the facts to
- 12 establish that it was an antecedent debt as opposed to just the
- 13 fact that --
- MS. HAFFEY: I mean, again, the facts here --
- 15 THE COURT: -- they were in business together.
- MS. HAFFEY: Well, but there's more --
- 17 THE COURT: I mean, it was that they were holding
- 18 money and they needed to pay the money to get release of
- 19 something else. I mean, that was the -- it seemed to be
- 20 specifically alleged in that case.
- 21 MS. HAFFEY: And the facts here show more. They do
- 22 show more. They show that they provided services. We've got a
- 23 column on this one that shows what a contracting entity was
- 24 here. And I do want to go back, Your Honor, so that the Court
- 25 understands if it would have obliged DAS in situations -- if

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{113} - 11 Pg 117 of 944

- 1 the Court would allow as to these blanks to allow DAS to
- 2 provide additional information. Counsel just said that and we
- 3 don't have any information. And that's not true, and he knows
- 4 that's not true. I have provided him with the very specific
- 5 deviation wire transfer forms that show where the transfers
- 6 went to with this client, and where it says that, and I'll
- quote, it says "Payment of payables under payment term
- 8 deviation requests", so --
- 9 THE COURT: All right. But I don't want to get into
- 10 an additional whether I should order today that you -- that the
- 11 debtors have no more opportunity to amend. That includes a lot
- of other factors besides just this one issue on antecedent
- debt. So I appreciate that you're responding to something that
- 14 counsel raised so you're feeling you have to respond. I don't
- 15 really want to --
- MS. HAFFEY: Well --
- 17 THE COURT: -- get into that issue at this point. I'm
- 18 really just focusing on the face of this proposed amended
- 19 complaint.
- MS. HAFFEY: And I know I'm beating a bush here, but
- 21 going back to the date and the amount and looking at -- and not
- 22 relying on the payment deviation form, but what the date and
- 23 the amount does, it shows to the supplier that this was on the
- 24 amount of antecedent debt. Because when they have that
- 25 transfer, and they have the date, and they have the amount of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{114} - 11 Pg 118 of 944

- 1 it, and they know who it came from and who it went to, using
- 2 that information they know it's on account of an antecedent
- 3 debt. And I --
- 4 THE COURT: Well, they may not. They may say it's
- 5 not --
- 6 MS. HAFFEY: And --
- 7 THE COURT: -- in which case you force them to answer
- 8 when the complaint is, kind of, taking a guess.
- 9 MS. HAFFEY: But the --
- 10 THE COURT: Right? I mean, you don't really know.
- MS. HAFFEY: Well --
- 12 THE COURT: On the face of the complaint you don't
- 13 know.
- MS. HAFFEY: Except that --
- 15 THE COURT: And, so, you're putting to them -- to the
- 16 task of having to prove something, and, you know, basically
- 17 just crossing your fingers that they'll -- they won't. And I
- 18 think that's what Twombly and Iqbal were designed not to do.
- MS. HAFFEY: Except in, and, again, DSSI is a
- 20 unique --
- 21 THE COURT: I understand that.
- MS. HAFFEY: -- situation on its own.
- THE COURT: Right.
- MS. HAFFEY: If you look at the other complaints where
- 25 you have --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₁₅ - 11 Pg 119 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: Well, I think we should move to the other 2 complaints. 3 MS. HAFFEY: Okay. 4 THE COURT: Because I think we are, I mean, I 5 appreciate -- I'm not faulting you for it, but I think we are 6 getting to the point where we're repeating ourselves on this 7 one. But, so then there was, I think -- can we deal with the 8 actual Methode complaint? I mean, all of them that -- all the 9 transfers are listed there. The POs are listed on the exhibit. 10 So I'm not sure what the argument on an antecedent debt is 11 where there isn't all the -- all the transfers are listed. Is 12 there an argument there that the complaint doesn't --13 MS. HAFFEY: But we don't think that --14 THE COURT: No, I'm talking to the objectors. 15 MS. HAFFEY: Okay. Is anyone arguing the point that where the 16 THE COURT: 17 exhibit lists a purchase order/invoice number in the antecedent 18 debt column that the debtors, nevertheless, have not shown an 19 antecedent -- or not sufficiently pled payment of an antecedent 20 debt? 21 MR. SULLIVAN: Your Honor, counsel for Timken. 22 would make that argument, because in one of the declarations that my clients have been in connection with its opposition 23 24 indicated that the invoice number -- where it references an 25 invoice number those invoice numbers bear no resemblance to any

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{116} - 11 Pg 120 of 944

- 1 invoice number that Timken ever would have issued, and couple
- 2 that with the complaint which says that Delphi didn't accept
- 3 invoice numbers, you know --
- 4 THE COURT: Well, but that just means it's a purchase
- 5 order number, then, instead.
- 6 MR. SULLIVAN: No, no, no. It says it's an invoice
- 7 number.
- 8 THE COURT: No, it says purchase order/invoice number.
- 9 MR. SULLIVAN: On the exhibit that was attached to the
- 10 complaint of Timken it --
- 11 THE COURT: All right. Well, let me --
- 12 MR. SULLIVAN: -- specified whether it was an invoice
- 13 number or a PO number.
- 14 THE COURT: I'm sorry. Let me get to Timken here.
- MR. SULLIVAN: Sure.
- 16 THE COURT: Okay.
- 17 UNIDENTIFIED SPEAKER: And what I'd want to --
- 18 THE COURT: Well, I mean, Timken says --
- 19 MR. SULLIVAN: If you look at the --
- 20 THE COURT: -- that --
- 21 MR. SULLIVAN: -- second to last column it says
- 22 purchase order or invoice number, and it says invoice, and then
- later on some of them say PO.
- THE COURT: Okay.
- 25 MR. SULLIVAN: So it either identifies invoice or PO.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1.17} - 11 Pg 121 of 944

- 1 THE COURT: All right. But -- all right. So let's
- 2 stick with this point, though. At this point, you know,
- 3 subject to Rule 11, they are referring to a fact that they
- 4 have. You may disagree with that fact, and on summary judgment
- 5 you may win on that, but I don't see why that should throw out
- 6 the complaint.
- 7 MR. SULLIVAN: Your Honor, counsel made a statement
- 8 today that these complaints incorporated these invoices and POs
- 9 by reference. They will not be able to produce an invoice that
- 10 says this. In fact, I had a conversation with Ms. Haffey, and
- 11 there's been numerous e-mails back and forth which are
- documented in the declaration that I submitted with this
- 13 Court --
- 14 THE COURT: But --
- 15 MR. SULLIVAN: -- in which he says she doesn't have any
- 16 invoices or POs that she can produce to me, because I asked for
- 17 them.
- 18 THE COURT: But we're just dealing -- look. We're
- just dealing with the issue of whether, under Rule 8, they
- 20 properly pled antecedent debt. I think you're going beyond
- 21 that at this point.
- MR. SULLIVAN: I guess it really goes to a futility
- 23 argument under Rule 15, Your Honor.
- 24 THE COURT: Exactly. So why don't we, I mean, I just
- 25 want to, I mean, they structure it this way so we can do this

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{118} - 11 Pg 122 of 944

- 1 piecemeal.
- MR. SULLIVAN: Oh, okay. I apologize. I didn't mean
- 3 to jump ahead.
- 4 THE COURT: That's all right. That's okay. I did
- 5 ask, sort of, does everyone have any point on this. Yes?
- 6 MR. BOWLES: Your Honor, on the general argument on
- 7 antecedent debt that --
- 8 THE COURT: Maybe you need to pull a little closer to
- 9 a microphone.
- 10 MR. BOWLES: Oh. On the general argument on
- 11 antecedent debt, Your Honor, that the defense group has done,
- 12 yes, we have an argument that basically as pled -- it takes a
- while to do it, and I don't want to jump out of order, but if
- 14 you want to -- basically, the numbers that they've put in those
- 15 columns really do not prove it, because coming down here, and I
- 16 can go to that, there are actually -- pardon me. There are
- 17 actually three elements to preferences. One, was the transfer
- 18 for the payment of a debt. Not for anything else. Courts work
- 19 2L18L41 >>on. Two, was it owed by the plaintiff? In this
- 20 particular case, Your Honor, those are other issues. And,
- 21 three, was it incurred before the transfer the debtor seeks to
- 22 be made. In this particular case, Your Honor, going to the
- 23 numbers issue that we have, which is, basically --
- 24 THE COURT: I'm sorry. Are we back on Methode's
- 25 complaint?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₁₉ - 11 Pg 123 of 944

DPH HOLDINGS CORP., ET AL.

1 MR. BOWLES: No, no, no. Not any specific 2 complaint. 3 THE COURT: Okay. Fine. 4 MR. BOWLES: This is on the general one. 5 THE COURT: All right. 6 This is generally. Because in this MR. BOWLES: 7 particular case what we were talking about -- and, I'm sorry, 8 I'm having to get out of here, so I just have to find it. 9 Basically, in this particular case when you incorporate the 10 documents by reference that is, in fact, the correct law if you 11 reference that in the document that is incorporated. However, 12 Your Honor, it's not the allegation that's made on the document 13 is, in fact, what the actual document says. Both this Court, 14 and I'm more familiar with the Seventh Circuit in Northern Gun 15 Outdoor Shows v. City of South Bend who said where an instrument is incorporated into a pleading it, basically, 16 17 anything that's in that will trump any allegation. So unless 18 the documents which were referred to by various numbers 19 specifically show that DAS is obligated to a defendant that's all they can do. If they don't show that then the allegation 20 21 is basically rendered a nullity. In other words, Your Honor, 22 they can say gee, these documents are evidence of it, but if 23 the documents themselves, since they're incorporated in the 24 pleadings you can look at those. Although this isn't a

12(b)(6) standard, when you're looking at these for both

25

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{120} - 11 Pg 124 of 944

- 1 futility under Rule 8 they, in fact, have to show them and look
- 2 at them. If they don't have them, Your Honor, then that
- 3 allegation is as if they had never even referred to them,
- 4 because you do have the right to review those, because once you
- 5 incorporate them by reference they, in fact, you have the right
- 6 to look and see what they say.
- 7 Further, Your Honor --
- 8 THE COURT: Well, does anyone say what they say?
- 9 MR. BOWLES: Well -
- 10 MR. SULLIVAN: Well, they don't exist, Your Honor.
- 11 They're just made up numbers. There are no such invoices.
- 12 That's the problem.
- MS. HAFFEY: Your Honor, may I respond to that?
- 14 THE COURT: No, but has anyone looked at the purchase
- 15 order information? No one is disputing this, right, at this
- 16 point?
- 17 MR. SULLIVAN: Your Honor, I mean, from Timken's
- 18 perspective. I have to apologize. We keep interrupting, but I
- 19 submitted a declaration that says we don't recognize any of
- 20 those POs or invoice numbers. We asked, pursuant to Your
- 21 Honor's direction, for copies of all these things. Mr. Haffey
- 22 says she or her client do not have them, and she would not be
- able to provide them. That's what I was told.
- MS. HAFFEY: I have two responses to that, Your Honor.
- THE COURT: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1,21}$ - 11 Pg 125 of 944

DPH HOLDINGS CORP., ET AL.

1 MS. HAFFEY: And maybe one I'll -- well. As I said 2 earlier Delphi was a paperless company. It expressly told its suppliers do not send us an invoice. So when it got the bill 3 4 of lading, the shipper -- sometimes they send invoices --5 whatever piece of document that they sent to the receiving 6 entity, the person there in the receiving department then 7 entered into that DACOR system that we received goods or 8 services were provided, we got the tooling. And that system, 9 then, entered into a processing number, invoice number that 10 Delphi assigned to it. It's not their invoices, and their 11 clients will tell them, they were expressly told by Delphi, 12 don't send us invoices. That was how Delphi operated, which is 13 very common in the automotive industry to be paperless. 14 what that documents is, Your Honor, it's a reference to the 15 shipment or to the service performance of goods that got put 16 into the payable system that would then generate a payment. 17 So --18 Well, I'm assuming since you came up with THE COURT: specific numbers that, for example, if a defendant asked for 19 20 evidence of -- I'll just take the first item on the Timken exhibit, S3S30957, there'd be some screen that would pop up 21 22 that would print out that would show a date that says that 23 number on it, right? 24 MS. HAFFEY: And I'd have to -- I assume that to be 25 true, because this is the date that my client gave me this

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{122} - 11 Pg 126 of 944

- 1 information to generate that exhibit. So yes, taking a screen
- 2 shot is something I have to believe is entirely possible. But
- 3 because it was a paperless entity, and again, very, very
- 4 common, is it going to be able to go through an old file drawer
- 5 and pull out that bill or that shipper? No, I mean, it's set
- 6 up, this system, so that it didn't have to retain all of those
- 7 documents and those papers.
- 8 THE COURT: All right, so I'm trying to follow; what
- 9 is the argument about why that's not sufficient to show that
- 10 this was in respect of --
- MS. HAFFEY: I don't know.
- MR. BOWLES: Basically, Your Honor, it comes down to
- 13 this, what they --
- 14 THE COURT: You'd better move a little closer to the
- 15 microphone.
- 16 MR. BOWLES: I'm sorry, I'll move closer.
- 17 And it can come from if you have Delphi's omnibus
- 18 response, specifically Mr. Unrue's affidavit, page 3 -- he
- 19 basically describes what these numbers were. And he described
- 20 it more of the receiving department would get a shipment under
- 21 either a bill lading or shipping manifest numbers -- they were
- 22 called shipping numbers. I'm not going to read a long quote
- into the record other than noted page 3; he basically says that
- 24 there were a large number of ones -- and they pick various
- 25 numbers -- some of the receiving department may have shipper

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1,23}$ - 11 Pg 127 of 944

- 1 numbers to catalog shipments. Those are just basically
- 2 warehouse entries, Your Honor; to say there's that many goods
- 3 in the warehouse.
- 4 You have on other occasions, they may have used
- 5 purchase order numbers to catalog shipments. Mr. Unrue
- 6 basically says they put in a number because -- as he said in
- 7 the last one -- these varying practices were reflected in
- 8 DACOR's system, because the system only allowed the entry of a
- 9 single number; in other words, DACOR needed a number whenever
- 10 you did something on.
- 11 Secondly, Your Honor, what you described here, goes to
- 12 the fact that these aren't evidences of antecedent debt for
- 13 this reason. If you look in each of the complaints and in
- their omnibus response, they don't say DACOR was set up, and
- 15 DACOR approved every antecedent debt. What they said was, is
- 16 these numbers -- whatever they define them as -- would show an
- 17 antecedent debt. Your Honor, I -- I don't have any numbers, so
- 18 I don't know about this, but, basically as long as you have a
- 19 number -- and I think there are numerous people that have
- 20 disputed that those numbers have any meaning to show antecedent
- 21 debt -- unless they can show the underlying whatever the number
- 22 was, they basically cannot stand on the fact of this number,
- 23 does it?
- I mean, they can say it's incorporated, and that's
- 25 true, but there are people who have done that; not my client,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1,24}$ - 11 Pg 128 of 944

- 1 because we have absolute no numbers, but as a general rule that
- doesn't do it, and I think it's by their own person's affidavit
- 3 that simply says how strange it was, because they used a
- 4 variety of things for these "numbers", not just simply
- 5 invoices, shipping, or anything else, but things that were more
- 6 inventory and the like.
- 7 So, I don't think -- given what you have in Twombly
- 8 and Iqbal, they haven't pledged specifically enough to pass
- 9 that, even if they have numbers; my case is different, but
- 10 that's the general argument.
- MR. NAYAK: Your Honor, this is Mahesh Nayak speaking
- 12 for Detroit Products, International; I just want to add one
- other point to what Mr. Bowles said, in that the schedule
- 14 attached to our complaint, the one against Detroit Products,
- 15 International, identifies -- I guess what I'll call these D
- 16 numbers -- which we're having trouble deciphering what they
- 17 are.
- 18 THE COURT: Is Detroit Products, International a
- 19 successor to something? I have a list of the --
- 20 UNIDENTIFIED SPEAKER: Doshi.
- 21 MR. NAYAK: Doshi Prettl International --
- 22 THE COURT: Doshi -- oh, fine.
- MR. NAYAK: -- thank you, Your Honor.
- 24 But in any case, the fine point I wanted to add, is
- 25 that both within the body of the complaint and on the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.25}$ - 11 Pg 129 of 944

- 1 attachment, Delph -- DAS reflects that these D numbers are
- 2 invoices, purchase orders, or bills of lading. And I think
- 3 they just told you today -- or what I'm hearing -- is that
- 4 they're none of the above. In my complaint, they very
- 5 specifically identify these D numbers as purchase orders; they
- 6 are not purchase orders -- that's what I'm hearing DAS say
- 7 today.
- 8 THE COURT: Well, we -- their complaint says
- 9 otherwise. I don't know, I mean as far as the facial validity
- of the complaint is concerned, I'm just going on about what's
- in it, which says this is our rec -- you know, it says -- well,
- 12 I'm going back to Timken, I'll turn to yours in a second -- but
- 13 plaintiff -- the documents evidencing the antecedent debt
- include the purchase orders and/or invoices/bills of lading
- identified on our Exhibit 1.
- 16 Which purchase orders and/or invoices include evidence
- 17 of the amount of the antecedent debt, and the approximate dates
- 18 the subject goods contemplated by the agreements were
- 19 ordered -- for order. So -- I mean that sets up an antecedent
- 20 debt relationship. It may turn out not to be the case, but as
- 21 far as the validity of the complaint is concerned I don't see
- 22 why it doesn't meet Rule 8.
- MR. NAYAK: The point that I'm struggling with, Your
- Honor, is they have very specifically identified these as
- 25 purchase orders, invoices or bills of lading.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1,26}$ - 11 Pg 130 of 944

- 1 THE COURT: I understand.
- 2 MR. NAYAK: And today I'm hearing that they're saying
- 3 that they're none of the above.
- 4 THE COURT: Well --
- 5 MR. NAYAK: These D numbers don't let us know, for
- 6 example, when parts were shipped; they're not purchase orders,
- 7 they're not invoices, they're not --
- 8 THE COURT: I don't know; I don't know that.
- 9 That's -- to me, that's a summary judgment type of issue, or a
- 10 trial issue, as opposed to a pleading issue.
- MR. NAYAK: Presumably --
- 12 THE COURT: If they had put in their complaint that we
- have an entry of some sort of transaction, we don't know what,
- but some sort of transaction, then I would understand your
- 15 point. But that's not what they say.
- 16 MR. NAYAK: And Your Honor, I'm sorry, I'm hearing
- 17 what you're saying, I just -- the disconnect for me is that
- 18 they told the Court that the antecedent debt is one thing in
- 19 their complaint and in their schedule, and today they're saying
- it's another.
- 21 THE COURT: Well --
- MR. NAYAK: That it is none of the above.
- 23 THE COURT: I think that may be what you all are
- 24 saying, as opposed to them.
- MS. HAFFEY: Yes.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1,27}$ - 11 Pg 131 of 944

DPH HOLDINGS CORP., ET AL.

1 I heard today that a D number is a MR. NAYAK: 2 computer entry that reflects neither a invoice, a purchase 3 order --4 Debit -- she didn't --THE COURT: 5 MR. NAYAK: -- or a bill of lading. 6 -- she didn't use the phrase "D number". THE COURT: 7 MR. NAYAK: Well --8 The first time I heard the phrase "D THE COURT: 9 number" was when you spoke. 10 MR. NAYAK: It's the number listed under their antecedent debt column, for which many of us is a D number; for 11 12 others I think is a number which is preceded with some other 13 letter. I don't know if D corresponds to decor or what, but -unless Ms. Haffey can clarify for me today, I don't know -- and 14 15 she hasn't told me one way or the other, but my understanding is that there are no purchase orders or invoices or bills of 16 17 lading bearing a D and a sequence of numbers. Is that 18 incorrect? 19 MS. HAFFEY: I'm certainly not in a position today, 20 Your Honor, to make that statement for as large as DAS was and 21 the many suppliers that it has, it --22 MR. NAYAK: But Your Honor, they have -- under the standards that are imposed on them in connection with this 23 24 motion for leave to amend, alleged that these D numbers are 25 indeed invoices, purchase orders or bills of lading; and today

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{128} - 11 Pg 132 of 944

- 1 they're telling us that they're not in a position to say
- whether they're any of the above.
- 3 THE COURT: Let me turn to your complaint.
- 4 MR. THOMAN: Your Honor, this is Jim Thoman, for
- 5 Unifrax, could -- I'm just wondering is Ms. Haffey could speak
- 6 a little closer to the microphone, I'm having trouble hearing
- 7 her?
- 8 THE COURT: John, why don't you add line 1 of the
- 9 complaints?
- 10 MS. HAFFEY: I would be happy to.
- 11 THE COURT: John?
- MR. THOMAN: And I have one comment to make when
- 13 you're ready.
- 14 THE COURT: Wait, maybe it's -- I'm sorry, it's right
- 15 here, I got it.
- MS. HAFFEY: Your Honor?
- 17 THE COURT: No, let me just --
- 18 MR. NAYAK: Your Honor, if I could guide you, if
- 19 you're looking at our complaint, to paragraph 22, where it said
- 20 "plaintiff made, or cause to be made, each transfer listed on
- 21 Exhibit 1, for or" --
- 22 THE COURT: Right, I -- that's what I -- it's the same
- 23 language from the Temkin complaint that I just read.
- MR. NAYAK: Oh, thank you.
- 25 THE COURT: So, all right. And they say it evidences

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{129} - 11 Pg 133 of 944

- 1 the amount of the debt, so you could look at it. You're saying
- 2 they've acknowledged it doesn't, right?
- 3 MR. NAYAK: I'm sorry --
- 4 THE COURT: Is there -- you say it doesn't evidence
- 5 antecedent debt?
- MR. NAYAK: That is correct.
- 7 THE COURT: All right, and what's that based upon?
- 8 MR. NAYAK: It's based on the fact that their claim of
- 9 what is antecedent debt -- which are these -- they identify the
- 10 antecedent debt as these D numbers. And they identify in their
- 11 complaint that the D numbers are invoices, purchase orders or
- 12 bills of lading. They've got to identify for us -- under
- 13 Twombly and Iqbal, an applicable law -- what the nature of the
- transfers where, what the transfers were for; these D numbers
- 15 are neither invoices, purchase orders or bills of lading.
- 16 They're computer-generated screen shots, they don't show when
- 17 ship -- pardon me -- when good were shipped.
- 18 THE COURT: Well you -- you don't know.
- MR. NAYAK: Neither do they, Your Honor; I don't know,
- 20 you're correct.
- 21 THE COURT: Well, you're basing this, I believe, your
- 22 statement that the debtors' counsel has made an admission today
- 23 in open court, right? That these screen entries do not show
- 24 the existence of an antecedent debt, right? That's what you're
- 25 basing it on? Because you haven't seen them, so it must based

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{130} - 11 Pg 134 of 944

- 1 on that.
- MR. NAYAK: Well, to be more specific, Your Honor, I'm
- 3 saying that what they're saying in their complaint is not the
- 4 case; that they have said that these D numbers are not --
- 5 THE COURT: But based on what? I'm just asking you,
- 6 based on what's been said in court today?
- 7 MR. NAYAK: Yes.
- 8 THE COURT: All right. So, what is -- do you agree
- 9 that these don't show the --
- 10 MS. HAFFEY: No, and I had not said what counsel here
- 11 claims that I have said. I think I've been very clear on what
- 12 I have said.
- 13 THE COURT: This is -- I believe what you have said,
- 14 is that this is the memorialization, or recordation, of an
- 15 order, right?
- 16 MS. HAFFEY: Of the receipt of the goods or services.
- 17 THE COURT: Right.
- 18 MS. HAFFEY: So that a payable is owed.
- 19 THE COURT: Right, it's like --
- MS. HAFFEY: Exactly.
- 21 THE COURT: --a payable; an accounting of a payable.
- MS. HAFFEY: And it's either of the order -- the
- 23 purchase order -- or it's of the receipt of the goods or
- 24 services so it puts in -- what we -- and again, it's just
- 25 nomenclature -- invoice number, you can call it a processing

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{131} - 11 Pg 135 of 944

- 1 number, and as Mr. Unrue put in his declaration, DAS was at
- 2 the --
- 3 THE COURT: I don't need the declaration, I'm just
- 4 focusing on the complaint.
- 5 MS. HAFFEY: Okay, well --
- 6 THE COURT: All right, so I don't think --
- 7 MS. HAFFEY: -- when you have a --
- 8 THE COURT: -- there is -- I don't think she has
- 9 admitted it. I don't think it is --
- MS. HAFFEY: No, I have not.
- 11 THE COURT: -- I just don't -- I don't agree with you
- 12 on this one.
- MR. SULLIVAN: Well, Your Honor, I mean -- pardon for
- 14 interrupting, James Sullivan, counselor of Timken -- but the
- one thing that complaint doesn't do, is it doesn't allege the
- 16 date of the antecedent debt; so these could be COD, these could
- 17 be preparing -- there's no evidence in the record that these
- 18 screen shots reflect any antecedent debt; there should have
- 19 been another column in there saying, you know, date of the
- 20 ant -- date of the debt.
- 21 THE COURT: No, that's what they say in paragraph 22.
- 22 Look, the first thing you do -- if I let them amend the
- 23 complaint, the first thing you do is say, I want to see these.
- 24 And if they don't do it, then you say motion to -- you know,
- 25 motion for summary judgment.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{132} - 11 Pg 136 of 944

- 1 MR. SULLIVAN: We've been doing that since October,
- 2 Your Honor.
- 3 THE COURT: Well, not really. Because we've been
- 4 doing this instead of summary judgment.
- 5 MR. SULLIVAN: What I meant, I've been asking for
- 6 them, and I've been told by Ms. Haffey she has no documents for
- $7 \quad \text{me.}$
- 8 THE COURT: Well, that -- again --
- 9 MS. HAFFEY: I was just --
- 10 THE COURT: -- this is just lawyers talking. This is
- 11 not evidence, we're talking about Rule 8.
- MS. HAFFEY: And I never made that statement.
- 13 THE COURT: The face of a complaint, so I think we
- 14 should move on this point -- off of this point.
- 15 MR. ROBERTS: Your Honor, this is Buswell Roberts, on
- 16 behalf of Owens Corning, and I have just a real slight twist on
- 17 these facts; this is in relation to adversary proceeding 07-
- 18 02540, and --
- MS. HAFFEY: Could I -- I'm sorry, this is Ms.
- 20 Haffey --
- 21 THE COURT: It's Owens Corning.
- MS. HAFFEY: Thank you.
- MR. ROBERTS: Owens Corning. And Exhibit 1 -- well,
- 24 first of all, the complaint says that Owens Corning delivered
- 25 serves pursuant to a "service agreements", that's wrong; I mean

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{133} - 11 Pg 137 of 944

Owens Corning provided goods, but for the purposes of my

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DPH HOLDINGS CORP., ET AL.

2 argument it's irrelevant -- and they mention that there are certain service agreements, and in the purchase order, invoice 3 number antecedent debt column, there are one, two, three, four 4 5 D numbers, all of which are identical. Now, I happen to know 6 what that D number references, and I'm only bringing this up as 7 an illustration as to why the information contained in this 8 column isn't very helpful with respect to antecedent debt. 9 The purchase --or the D number references one of the 10 service agreements, it's actually referred to as a requirements 11 contract, which tells Owens Corning absolutely nothing about 12 when the indebtedness arose or what, you know, what the 13 previous indebtedness was. Those five entries are all just simply a requirements contract that has nothing to do with any 14 15 particular order that was made by the debtor. And I think what this really boils down to is, that 16 17 just the debtor stating, in essence, you paid me, therefore you 18 must have owed me something because otherwise you wouldn't have 19 sent me a check. And that's in essence what the debtor has 20 really done here; when it would have been very simply for the 21 debtor simply to say, on the date that the payment of 20,101 22 dollars was made, the debtor owed Owens Corning X, Y, Z dollars, which they presumably could have gotten off of their 23 24 screen.

But, it's an awfully cumbersome way to identify what

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{134} - 11 Pg 138 of 944

- 1 antecedent debt was, when it would have been so much easier
- 2 simply, to say, at the time of the payment, Owens Corning --
- 3 the debtor, rather -- owed Owens Corning X number of dollars.
- 4 And I don't think in Owens Corning's case, that the
- 5 four referenced numbers tell Owens Corning anything about
- 6 antecedent debt.
- 7 MS. HAFFEY: If I can respond, Your Honor? And again,
- 8 we need to go back to the DACOR payable system, which we have
- 9 pled in the face of the complaint.
- 10 For there to have been a transfer to have made on
- 11 these dates, under these purchase orders, it would have to have
- been a payable; and that is why we referenced the DACOR system
- 13 and explained in the complaint how it worked. The reason that
- 14 there are four of that purchase order listed on here, because
- 15 there were four different provisions of goods. And it was paid
- 16 for on these four dates. Which is why we broke it down to that
- 17 detail level, so that that supplier could see it was on account
- 18 of antecedent debt, and paid on those days, under that blanket
- order; there were four different entries.
- MR. ROBERTS: But Your Honor, that doesn't tell me a
- 21 single thing about antecedent debt. If that were sufficient,
- 22 then Igbal and Twombly mean nothing because --
- 23 THE COURT: Well, it -- counsel is saying that it
- evidences a payable, based upon a prior demand, right?
- MR. ROBERTS: Well, that --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{135} - 11 Pg 139 of 944

- 1 MS. HAFFEY: It's correct.
- 2 UNIDENTIFIED SPEAKER: Your Honor, but it's not a
- 3 payable --
- 4 MR. ROBERTS: -- what she's saying Your Honor, and I
- 5 think she just said it out loud --
- 6 UNIDENTIFIED SPEAKER: -- it could be an order, it
- 7 could be an order or a payable.
- 8 MR. ROBERTS: -- was that for antecedent debt, all we
- 9 need to do is to show that we made you a payment and that
- 10 mean -- therefore there was antecedent debt, otherwise we
- 11 wouldn't have paid you.
- 12 THE COURT: No, I think she said that the system
- 13 records a payable; meaning it records a past event; something
- 14 that was payable.
- 15 MR. ROBERTS: Well, except that the -- this purchase
- order, invoice number, antecedent debt, doesn't do that. All
- 17 it does is say we made you a payment based on a requirements
- 18 contract that was executed two or three years prior to the time
- 19 that these payments were made.
- MS. HAFFEY: Well, I -- but I think --
- THE COURT: Well that's enough.
- 22 MS. HAFFEY: And particularly when you look --
- THE COURT: They're paying you under a pre-petition
- 24 contract.
- 25 MS. HAFFEY: -- particularly when you look at the face

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{136} - 11 Pg 140 of 944

- 1 of --
- MR. ROBERTS: Well, it's a -- all it is, Your Honor,
- 3 is a requirements contract; it says you have to send us a
- 4 request for delivery. After you send us a request for
- 5 delivery, we will then send you the goods and then you have to
- 6 pay us.
- 7 MS. HAFFEY: That's exactly my point.
- 8 THE COURT: I think that says it.
- 9 MS. HAFFEY: And the purchase orders themselves spell
- 10 out that.
- 11 THE COURT: I just -- look, it may be the case as Mr.
- 12 Sullivan is asserting, that these entries are fictitious, or
- don't exist or can't be reproduced; but it seems to me that the
- 14 complaint, in terms of its representation, where it says an
- 15 accounts payable system in respect of goods ordered or services
- 16 sought, is recorded as set forth on Schedule 1, where it says
- 17 that, is sufficient. You know?
- 18 Those are facts, those are not conclusory allegations;
- 19 the facts may turn out to be wrong, but as far as the pleading
- of the complaint is concerned, that's sufficient.
- MR. JEROME: Your Honor, Steve Jerome, Snell & Wilmer,
- 22 on behalf defendant Microchip Technologies, Inc., in adversary
- 23 07-02436. And similar to Mr. Bowles' client, my client's
- 24 Exhibit 1 -- and I have extra copies if it --
- THE COURT: No, I have it.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{137} - 11 Pg 141 of 944

- 1 MR. JEROME: -- has two columns, which for all eight
- 2 transactions, are completely blank. And I listened with
- 3 interest to counsel's presentation regarding -- and I believe
- 4 the quote was "the exhibits to the complaint are extremely
- 5 important, and they reflect the detailed information regarding
- 6 the antecedent debt".
- 7 THE COURT: No, I think we -- well, maybe we should
- 8 nail this down, but I think we already covered the blank
- 9 exhibits. I just -- I have a real hard time with that -- with
- 10 those.
- 11 MR. SULLIVAN: I just want to --
- 12 THE COURT: I don't need to -- we already dealt with
- 13 that, with the DSSI one, which just -- instead of having a
- 14 column that was blank, it didn't have a column at all. But I
- think it doesn't matter; if the column's blank or the column
- 16 isn't there, as was the case with DSSI, then I'm just dealing
- 17 with the allegation and the complaint, which says that there's
- 18 a system in place, but I -- there's no evidence the system
- 19 actually spit out anything that shows that there was a payable
- 20 recorded; and I think that's a problem for the debtor. I don't
- 21 see how they deal with that.
- MR. SULLIVAN: And Your Honor, and I agree, I just
- 23 wanted to make two real quick points, is --
- THE COURT: You've already won on this point.
- 25 MR. SULLIVAN: Your Honor, I will sit down.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1 3.8} - 11 Pg 142 of 944

DPH HOLDINGS CORP., ET AL.

1 MR. NAYAK: Your Honor, Mahesh Nayak, for Detroit 2 Products --3 THE COURT: Yes. -- when you refer to the fact that -- as 4 MR. NAYAK: 5 you just did -- that there was a system in place, or the 6 plaintiff has alleged that there was a system in place -- do 7 you see that in the body of a complaint that you're looking at? 8 THE COURT: Yes. Let me go back to 16 and 17. 9 "Plaintiff did not accept physical invoices from the defendant, 10 in connection with the defendants' shipment of goods, under the 11 agreements" -- this is Doshi's complaint -- "rather the defendant used its accounts payable system to make payments to 12 13 defendant." And then in 22, it says that "the documents evidencing the antecedent debt were" -- and then, you know, 14 15 we've already read that language, and obviously you can put two 16 and two together, that's the language that comes off their 17 system, on 17. So I think it's there. You may, in discovery, 18 show it's not there, and -- but, you know, I don't see why that 19 isn't sufficient. 20 MR. THOMAN: Your Honor, this is Jim Thoman for 21 Unifrax, are we to interpret plaintiffs' counsel description of 22 the accounts payable system to preclude pre-payments? there's no way a number could be generated from their system if 23 24 there was a COD or a pre-payment required? 25 That's what I took, that it records

THE COURT:

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{139} - 11 Pg 143 of 944

- 1 payables; and that these are the payables, as opposed to
- 2 something else. That's what 22 says.
- 3 MS. HAFFEY: Your Honor --
- 4 THE COURT: That's what paragraph 22 says.
- 5 MS. HAFFEY: That's correct and that is my
- 6 understanding, with the exception, and that's why there is a
- 7 blank in that antecedent debt column where there were
- 8 situations where we didn't -- DAS didn't use the accounts
- 9 payable --
- 10 THE COURT: Right.
- MS. HAFFEY: -- DACOR system, and it was done at --
- 12 THE COURT: It was a one-off thing.
- MS. HAFFEY: Yeah, it was a manual --
- 14 THE COURT: Right.
- 15 MS. HAFFEY: -- and we've got the manual documents to
- show those deviations from payment terms.
- 17 THE COURT: All right, okay.
- MR. SULLIVAN: Your Honor, I'm not sure if we'll get
- 19 to this, or you're ready to get to this yet, but are you going
- 20 to create today, perhaps some kind of a time limit in which
- 21 plaintiff must produce the documents that are the subject of
- 22 these --
- THE COURT: We're not getting to that yet.
- MR. SULLIVAN: Okay, thank you.
- THE COURT: Okay, so are there other issues with

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{140} - 11 Pg 144 of 944

- 1 ane -- I mean, we've covered, I think, the two categories that
- I had on this, which is where it was blank, and where there was
- 3 something there. Are there other issues besides that?
- 4 MR. KOCHIS: I believe there are, Your Honor.
- 5 THE COURT: Okay.
- 6 MR. KOCHIS: Anthony Kochis from Wolfson Bolton PLLC,
- 7 and I represent two different defendants in different adversary
- 8 proceedings.
- 9 So while I would echo a lot of the sentiments that
- 10 have been argued, one of my clients, which is Ex-cell-o Machine
- 11 Tools, adversary 07-02337, is where the reorganized debtors are
- 12 represented by the Togut law firm, and as I stated in my
- 13 papers, the Togut form of proposed amended complaint actually
- 14 differs in the allegations that are alleged and the schedules
- 15 that are attached; so I don't know if you want to talk about
- 16 this right now, but my point is I don't think those allegations
- 17 and those exhibits are sufficient, in addition to the futility
- 18 argument that I have.
- 19 THE COURT: All right. Why don't we just put a place
- 20 order on that, unless --
- MR. KOCHIS: Sure.
- 22 THE COURT: -- unless we're done with the Butzel Long
- 23 ones.
- MR. KOCHIS: Sure, no problem.
- 25 THE COURT: It's just a question of moving a lot of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₄₁ - 11 Pg 145 of 944

- 1 notebooks around.
- MR. KULBACK: Your Honor, very briefly, Jerry Kulback
- 3 again, on behalf of Magnesium Electron; I think Your Honor made
- 4 it clear that with respect to schedules that are blank with
- 5 respect to the purchase orders and invoices, it doesn't set
- 6 forth a claim --
- 7 THE COURT: Unless the debtors' says that there's
- 8 something else in the complaint that's not in the forms of
- 9 complaint that I've been reading. I mean, if there's another
- 10 paragraph in the complaint that says, basically what counsel
- 11 told me at oral argument, then it would be okay, but I haven't
- 12 seen that.
- MR. KULBACK: Well, Your Honor, I'm in the position
- 14 that there was no schedule attached at all --
- 15 THE COURT: Okay.
- 16 MR. KULBACK: -- to the amended complaint filed in the
- 17 adversary proceeding.
- 18 THE COURT: Oh, but I thought it was attached
- 19 somewhere else?
- MR. KULBACK: Well, Your Honor, it apparently was
- 21 buried, which I found out again, at 4:30 yesterday, in an
- 22 exhibit that was filed on the main docket; but that is not in
- 23 the adversary proceeding. The adversary proceeding and the
- 24 complaint and the motion filed in the adversary proceeding as
- it stands right now, is deficient on its face.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₄₂ - 11 Pg 146 of 944

	DPH HOLDINGS CORP., ET AL.
1	THE COURT: All right, well
2	MR. KULBACK: We raised it previously
3	THE COURT: That would probably one where I would let
4	them amend.
5	MR. KULBACK: Well I would be remiss if I didn't ask,
6	Your Honor.
7	THE COURT: Okay, all right.
8	MR. HERMAN: Your Honor?
9	THE COURT: Yes?
10	MR. HERMAN: Is it are we discussing now the
11	element of an antecedent debt of who the obligor was?
12	THE COURT: No.
13	MR. HERMAN: Okay.
14	THE COURT: That's a separate issue.
15	MR. HERMAN: Separate issue, thank you.
16	THE COURT: All right, so I think we're ready to turn
17	to the Togut form of complaint and rather than my rearranging

- n
- 18 this whole thing, do you have an extra copy of --
- 19 UNIDENTIFIED SPEAKER: Yes, Your Honor.
- 20 THE COURT: -- of the particular complaint at issue?
- 21 MR. JONES: Your Honor., may I make one point before
- 22 we move on?
- 23 THE COURT: Oh sure, I'm sorry, I thought we were --
- 24 yeah, that's fine, when he's handing that up, you can --
- 25 MR. JONES: And I want to note -- I'm Roger Jones, on

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{143} - 11 Pg 147 of 944

- 1 behalf of the Calsonic entities -- I just want to make one note
- while it's fresh in the Court's mind, and this goes to
- futility, but it was raised by the plaintiffs in their
- 4 explanation of the accounting system; what they just told the
- 5 Court is, that where there's a blank, that reflects the payment
- 6 outside the ordinary course of business, and where there's a
- 7 number, it's inside the ordinary course of business.
- 8 THE COURT: No, no, no -- nice try.
- 9 MS. HAFFEY: Nice try.
- 10 THE COURT: Nice try.
- MR. JONES: It was worth a try.
- 12 THE COURT: All right. Okay, so I have the Ex-cell-o
- 13 Machine Tools?
- MR. KOCHIS: Yes, Your Honor.
- 15 THE COURT: Okay.
- 16 MR. KOCHIS: And Your Honor, maybe before we lock into
- 17 that, very briefly, I know we're on the issue of antecedent
- 18 debt, but my futility argument that I raised, was premised upon
- 19 the fact that the Togut firm simply filed a joinder in the
- 20 Butzel omnibus response. And because the Butzel omnibus
- 21 response dealt with the Butzel complaint, which differs in form
- 22 and substance from the Togut complaint, my objections were
- 23 never addressed.
- 24 So I believe that's a unique futility argument to my
- 25 client, that they're simply unrebutted.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{144} - 11 Pg 148 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: Why don't we move on to the --2 MR. KOCHIS: Sure. THE COURT: -- merits of the argument. 3 4 MR. KOCHIS: Sure, Your Honor. Taking a look at the 5 complaint -- I'll just do antecedent debt at this time, I 6 imagine I'll have something on insolvency later -- but the 7 antecedent debt allegation is in paragraph number 25 of the 8 Togut proposed amended complaint, and if you take a look at it, 9 you'll immediately notice that it differs in form and substance 10 from the Butzel form of amended complaint, and it is simply a 11 recitation of the statutory element of antecedent debt; that 12 the transfers were made on account of antecedent debt. 13 THE COURT: But they say it's more fully described in 14 Exhibit 2? 15 MR. KOCHIS: Correct, you're correct. 16 THE COURT: And then they have a bill of lading 17 number? 18 MR. KOCHIS: Yes, that is correct. So from the get 19 go, my position on the allegation, is that that is not afforded 20 the presumption of truth, and then you're correct, we would 21 turn to the exhibit. 22 THE COURT: Right. MR. KOCHIS: So looking at Exhibit number 2, all 23 24 that's on there is a bill of lading number, check date,

transfer date, ship date, paid amount. What I would submit,

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{145} - 11 Pg 149 of 944

- 1 Your Honor -- and this was never made clear -- but my
- 2 assumption is that the conclusion is because you have a check
- date that is after a ship date, that that is somehow evidence
- 4 of an antecedent debt. My argument is in fact, that doesn't
- 5 show anything; maybe it's evidence of a debt, that certainly is
- 6 not evidence that it's antecedent; it's very likely that when
- 7 these goods were actually delivered, it could have been cash on
- 8 delivery. There is no facts --
- 9 THE COURT: But it wasn't.
- 10 MR. KOCHIS: What?
- 11 THE COURT: It wasn't, they have a check.
- MR. KOCHIS: They could have issued a check that day,
- 13 Your Honor. There is -- what my point is, there is nothing
- 14 that evidences the antecedence of these transactions. Just
- 15 because you have a bill of lading number and go through ship --
- 16 my understanding is that these goods were shipped to Mexico and
- 17 Germany. It could have taken two months for them to get there,
- 18 and it could have been cash on delivery when they were
- 19 delivered; I don't know, and there's no facts in the complaint
- 20 to tell me otherwise. And I don't think that that raises it
- 21 above the level the cross from possible to plausible on that
- 22 issue.
- 23 THE COURT: I don't understand; they ship it, and then
- they pay for it later under an invoice.
- 25 MR. KOCHIS: It --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{146} - 11 Pg 150 of 944

- 1 THE COURT: It's textbook. I mean, you may be able to
- 2 show that there was COD, but it sure doesn't look like it.
- 3 MR. KOCHIS: And when you say it doesn't look like it,
- 4 are you referring to the check date, as compared to the ship
- 5 date?
- 6 THE COURT: Yeah.
- 7 MR. KOCHIS: But what I'm saying is simply because I
- 8 ship something, it could have been delivered at a later time
- 9 and at that time it was delivered, it then could have been
- 10 paid. There's no evidence set forth either in the allegation
- or this exhibit that tells me that that debt that arose, was
- 12 antecedent debt.
- 13 THE COURT: Except for the fact that the dates
- 14 earlier -- that's enough for me.
- MR. KOCHIS: Okay.
- 16 THE COURT: I mean, again, you can rebut that evidence
- 17 in a -- or the parties can develop that evidence -- but I think
- 18 there's enough here to show that it was before -- it was
- 19 shipped before.
- 20 MR. KOCHIS: But that doesn't necessarily mean the
- 21 debt was incurred then.
- 22 THE COURT: It doesn't necessarily, but it is
- 23 something. It's not -- as opposed to nothing, which is what
- 24 you have in the other cases, where there's DSSI and the like.
- MR. KOCHIS: And I'm not trying to quibble, but I

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{147} - 11 Pg 151 of 944

- 1 mean, an essential element of 547(b) is, that that debt was
- 2 antecedent. If you cannot satisfy that -- if you cannot
- 3 satisfy the antecedent element, you do not have a cognizable --
- 4 THE COURT: I understand, but again, the dates reflect
- 5 antecedence -- E-N-C-E. The ship date's before the check.
- 6 That's -- for pleading purposes that's enough for me.
- 7 MR. KOCHIS: Okay. Thank you, Your Honor.
- 8 MS. HAFFEY: Your Honor, I just have one last -- I
- 9 guess to renew the argument. While we believe -- even after
- 10 the blanks on the complaint -- that we have sufficiently pled
- 11 antecedent debt. If this Court did not believe so, we would
- 12 ask the Court -- we have not had a motion to a leave, yet;
- 13 these are just proposed motions for leave -- we would ask the
- 14 Court's indulgence to give us a very short period of time --
- 15 THE COURT: I'm going to cut you short on this because
- 16 I know people will want to respond to it. We've only covered
- one of several issues that have been raised, and I want to
- 18 consider whether there should be leave to make a motion to
- 19 amend, in light of the entire record.
- MS. HAFFEY: Okay. I was just going to provide the
- 21 Court a cite, but I'll do that at some other time; thank you,
- 22 Your Honor.
- THE COURT: Yeah, that's fine. Okay, all right. So,
- 24 I think I've been clear that on its face, the forms of
- 25 complaint -- or the form complaint -- prepared by Butzel Long

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₄₈ - 11 Pg 152 of 944

- 1 is -- does not, in my view, satisfy Twombly and Iqbal and 2 HydroGen and similar cases, where neither the body of the complaint nor the schedule attached to it, shows an actual 3 4 recorded entry, ostensibly as set forth in the complaint of a 5 payable being entered on the debtors' system. And you need to 6 have that I believe, in light of the fact that the body of the 7 complaint itself really only refers to this payable system, and 8 obviously that means one looks to the schedule, and if you 9 don't see the entry, then I believe that you can't conclude 10 that there is in fact a payable based on the allegations in the 11 complaint. 12 As I said during oral argument, the fact that a 13 payment was made, and that's alleged in a different column, 14 could just as easily be a payment on account of COD or payment 15 in advance demand. And by forcing the defendant into discovery 16 on that issue, the plaintiff would be leapfrogging the 17 requirement to show more than simply a conclusory pleading of 18 the law as opposed to pleading of facts entitled to the 19 assumption or presumption of evidence for purposes of delay. Most of these complaints, I think -- well, I think 20 with the exception of DSSI and -- you know what, I've lost the 21 22 last one, the one that was blank and the --23 MS. HAFFEY: Magnesium Electronic --24 THE COURT: Yes, thank you.
- 25 MS. HAFFEY: -- I think, Your Honor.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{149} - 11 Pg 153 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: -- list PO or invoice numbers and 2 letters -- although some of them have a blank entry or two, sometimes for a lot of money, like Doshi has one for about 3 2,000,000 dollars, I think -- that's blank, and my ruling would 4 5 go for not only DSSI -- or wherever the column is missing or 6 empty -- but where there's specific transfers they're not 7 covered in the column. 8 Okay, so someone was going to cover then, the debtor, 9 as far as 547? 10 MR. KLEIN: Good afternoon, Your Honor, Sheldon Klein of Butzel Long, on behalf of the plaintiff. 11 12 It probably doesn't need to be said again, but just to 13 give us a starting point, 547(b)(2) does require that the payment is on account of an antecedent debt owed by the debtor; 14 15 I will be addressing the element of owed by the debtor. 16 in all of these complaints, DAS brings the claim as the debtor 17 and the claims fall into two different groups; one, in which 18 DAS is identified both as the contracting entity and as the 19 transferor of the money, and other claims in which DAS is the 20 transferor but is only one of multiple contracting entities. 21 So DAS and an additional Delphi entity is identified as the contracting entity; that is very much the minority of the 22 claims, most -- substantial majority of the claims, DAS is both 23 24 the transferor and the contracting entity, and on its face, I

25 don't know what else can be --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{150} - 11 Pg 154 of 944

DPH HOLDINGS CORP., ET AL.

1 I don't think there any objections where THE COURT: 2 the complaint asserts that DAS is both the transferor -whoever is on the phone that does not have it on mute, please 3 4 put it on mute -- where DAS is the transferor and the 5 contracting entity with no other allegations of other 6 contracting entities; I don't think there are any objections on 7 that basis. I think they're all in the second category? Am I 8 right? 9 MR. KLEIN: Yes, okay, so I'll just add one footnote 10 to that, and otherwise not address that point; Methode -- and 11 it's possible that there may be another defendant, although I 12 don't believe so in terms of the remaining defendants --13 Methode points out that the underlying purchase order refer --14 although DAS is identified as both the contract entity and the 15 transferor -- the underlying purchase order identifies Delphi 16 Electronics and Safety as the buyer and so they say the 17 complaint is contradicted by the underlying record. 18 Delphi Electronics and Safety is not an entity, it's a business unit in a minimum, there can be a factual issue 19 20 although frankly, I don't even see how there's a factual issue, it's not subject to dispute that there is not an entity by that 21 name, so I would suggest that that falls into the category 22 23 about which there's no controversy. 24 Now, for the balance, there are a number of defendants 25 that argue that the debt paid by DAS was not owed by debtor

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{151} - 11 Pg 155 of 944

- 1 because a contracting entity, the party that received the
- 2 goods, was someone other than DAS -- or the party that issued a
- 3 purchase order probably more precisely.
- 4 As to those defendants, the complaint alleges that DAS
- 5 assumed or otherwise became obligated for the payment, for the
- 6 obligation. Now, based on that allegation, we believe that we
- 7 have properly pled that DAS has standing here, that DAS has a
- 8 claim, but before moving on to specifically why that's so, I
- 9 just want to review a few facts regarding DAS and I think that
- 10 a number of them have been touched on by Ms. Haffey, so I will
- 11 be very quick about it.
- DAS was the primary U.S. operating --
- THE COURT: The notice is in the complaint, right?
- 14 MR. KLEIN: I believe it is, actually, although I --
- 15 THE COURT: Well, let me phrase it differently; you
- 16 should confine what you're describing to me as what's in the
- 17 complaint.
- 18 MR. KLEIN: Okay. The complaint does allege -- and I
- 19 would point the Court to paragraph 12, and I hope that's common
- 20 to all of the complaints, I didn't make a note of which
- 21 defendant I was referring to.
- 22 THE COURT: Right.
- MR. KLEIN: Paragraph 12 explains DAS's role in taking
- 24 on the payment responsibilities as part of a centralized cast
- 25 management function for the Delphi entities overall, and that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1/152 - 11 Pg 156 of 944

DPH HOLDINGS CORP., ET AL.

1 those bills were paid by DAS from its own funds. And I think 2 that's the gist -- the substance of that's in the complaint. 3 Now, we believe that that is sufficient; that DAS has 4 standing in that capacity for two reasons. First, even under 5 the most stringent definition in the case law of "owed by the 6 debtor, "DAS was potentially subject to a claim if these 7 amounts had gone unpaid. If the defendant -- the supplier who 8 for -- in many cases, for years and years and years had been 9 performing under contracts in which it was paid by DAS had gone 10 unpaid, there was the potential for a claim and, as I'll get 11 into a little more in a minute, that is sufficient to satisfy 12 the owed by the debtor element of the statute. There is not a 13 single debtor, necessarily, that has standing to bring a claim. 14 There could be multiple entities that owe the debt within the 15 meaning of the bankruptcy statutes. 16 The second reason takes into account the equitable 17 nature of the Bankruptcy Court -- which again, I'll discuss in 18 a moment -- allows the Court to look at the substance rather than the form of the transaction, including cases addressing 19 20 that specifically in the context of preference claims, to deal 21 with this sort of situation. 22 Now, starting with what I've described as the stringent standard. In the Second Circuit -- and I'm referring 23

to the In re: Bennett Funding Group case, 220 B.R. 739. It's

Bankruptcy Appellate Panel from 1998. The Court explained --

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1.53} - 11 Pg 157 of 944

DPH HOLDINGS CORP., ET AL.

1 and I'm quoting now -- well, no, excuse me, I'm not quoting --2 "owed by the debtor" when the transfer was made simply requires that the Court determine that at the time of the transfer there 3 4 was a recognizable claim, in quotes, that was, one, against the 5 debtor rather than only against a third party and, two, that 6 was preexisting rather than one which arose simultaneously with 7 the transfer. 8 Element two we've pro -- we've obviously addressed 9 already so I will focus on element one. Both Bennett Funding from the Second Circuit and the In re: Enron case 357 B.R. 32 10 11 (S.D.N.Y. 2006), endorse what they refer to as the common sense 12 approach, which was articulated by the Fourth Circuit in Smith 13 v. Creative Financial Management, 954 F. 2d 193 and that's a 14 Fourth Circuit case from 1992, that the payment is owed by the 15 debtor for preference purposes if the creditor would be able to 16 assert a claim against the estate absent the transfer. 17 from page 197 at that decision. 18 Now, Enron then refers back -- after citing to the 19 Smith case, Enron refers back to the definition of "claim" and 20 "debt" in the Bankruptcy Statute Section 101(5)(A) and (5)(B) 21 respectfully, and it explains that the two concepts are 22 reciprocal. "Debt" means liability on a claim and "claim" is 23 defined as a right to payment -- and I'll paraphrase -- whether 24 it's contingent, disputed or undisputed. So even if there is a 25 disputed possibility of a claim against DAS, it would be a

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.54}$ - 11 Pg 158 of 944

DPH HOLDINGS CORP., ET AL.

1 claim and thus a debt of DAS for purposes of the bankruptcy's 2 laws. As the court in Enron says, claim and debt as synonymous 3 and that's quoting from the court. 4 Now, the question of whether there's a possible claim 5 is a matter of state law and, in fact, Enron, in footnote 12, 6 specifically says that. And so the question is -- again going 7 back to the hypothesis that I raised before, if DAS had stopped 8 paying -- if DAS had said we have other uses for the money or 9 for whatever reason we're going to stop paying the bills that 10 we've always paid for those entities in which a name other than 11 DAS is listed on the PO, is there a possibility that DAS could 12 have been liable? Even if there was a disputed claim, could 13 there have been a colorable -- a good faith claim asserted 14 against them? I suggest to you the answer is yes. The -- I 15 mean, certainly if DAS had come to me and said we'd like to do this, can we? Can we be assured that we couldn't be subject to 16 17 a goof faith claim on this basis? I certainly would advise 18 them no. 19 THE COURT: Can you walk me through, again, the 20 language on the -- in the complaint that shows this? MR. KLEIN: 21 It --22 I mean, in paragraph 12 -- I may be THE COURT: 23 looking at a different complaint than you're reading but it

simply says that DAS was the operating subsidiaries of Delphi

North America that performed, among other things, accounting

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.55}$ - 11 Pg 159 of 944

- and payment functions for the reorganized debtors.
- 2 MR. KLEIN: And then it goes on to say --
- 3 THE COURT: Which one are you reading from just so I
- 4 could --
- 5 MR. KLEIN: I'm -- I just picked up --
- 6 UNIDENTIFIED SPEAKER: It's Microchip.
- 7 MR. KLEIN: -- it's Microchip 054481 but before we do
- 8 that -- yes, this would be an exemplar of what I'm talking
- 9 about. And give me a moment and I'll point you to the text.
- 10 THE COURT: let me just find that.
- MR. KLEIN: I apologize; I picked up one that I hadn't
- 12 highlighted for this purpose so --
- 13 THE COURT: Well --
- MR. KLEIN: Okay. On paragraph 14.
- 15 THE COURT: -- I'm still turning to Microchip. I hope
- 16 that's -- we're doing Microchip?
- 17 MR. KLEIN: Yes.
- 18 THE COURT: Okay.
- MR. KLEIN: This is Microchip.
- THE COURT: All right.
- 21 MR. KLEIN: But I believe it is consistently repeated
- 22 in each of the class of claims that we're talking -- claims --
- 23 THE COURT: Okay. So, plaintiff was the operating
- 24 subsidiary of Delphi of North America --
- MR. KLEIN: No, paragraph 14.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.56}$ - 11 Pg 160 of 944

- 1 THE COURT: 14. Okay.
- 2 MR. KLEIN: And it's the --
- 3 THE COURT: And then it says "and plaintiff assumed or
- 4 otherwise became obligated for Delphi affiliates obligations
- 5 there under."
- 6 MR. KLEIN: Yes. That is the language that I was
- 7 referring to.
- 8 THE COURT: All right. But -- there's nothing -- I
- 9 mean -- I guess -- so it's really at paragraph 12 and paragraph
- 10 14?
- 11 MR. KLEIN: it is 12 --
- 12 THE COURT: I'm sorry; paragraph 13 and 14 here.
- MR. KLEIN: Yes. In this complaint, it would be
- 14 paragraph 13 and 14 that describe the function of DAS and the
- 15 nature of their obligation. I would agree with that.
- 16 THE COURT: Why isn't the paragraph 14 statement that
- 17 DAS assumed or otherwise became obligated, really just
- 18 repeating claim against the debt -- of the debtor. I mean, is
- 19 it -- it seems conclusory to me.
- MR. KLEIN: Well, I --
- THE COURT: What is that based on?
- MR. KLEIN: The -- well, what it is based on is the
- 23 potential that they would be subject to a claim and that's, of
- course, a legal issue, not a factual issue.
- 25 THE COURT: No, but that -- so why is -- again, that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.57}$ - 11 Pg 161 of 944

- 1 goes back to Twombly. If it's a legal conclusion, what are the
- 2 facts behind it to support it?
- 3 MR. KLEIN: Well, the facts behind it to support it is
- 4 the repeated course of performance in which DAS paid -- is the
- 5 one that paid these suppliers. That DAS is the one that the
- 6 suppliers looked to and give -- and for example, and --
- 7 THE COURT: Well, just -- no, no. But again, just the
- 8 complainant says that DAS performed accounting and payment
- 9 functions for the reorganized debtors.
- MR. KLEIN: I mean, it doesn't specifically use the
- 11 word repeated and -- over an extended period of time, I would
- 12 agree with that.
- 13 THE COURT: Or was there only --
- MR. KLEIN: I don't think that makes it a legal
- 15 conclusion but --
- 16 THE COURT: I mean -- you could have -- I mean DAS was
- 17 also, I guess, an operating company, right?
- 18 MR. KLEIN: Yes, it was. That's why --
- 19 THE COURT: But you could have an in-house bank that
- 20 cuts the checks and does the accounting. I don't see hwy that
- 21 would lead to a plausible inference that they were actually
- liable to the people who got the checks. It didn't say that
- 23 the checks were paid in DAS' name, for example. If it pled
- 24 that the checks were issued by DAS, I would understand that, I
- 25 quess.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1.58} - 11 Pg 162 of 944

DPH HOLDINGS CORP., ET AL.

1 MR. KLEIN: Oh, I believe that it does or at least 2 that's certainly a fair in -- a, it's the fact and, b, if you look at Exhibit 1, it identifies for all of these, it 3 4 identifies DAS as the transferring entity. I mean, I certainly 5 think it's a fair inference of transferring entity to be that 6 it paid the bills. So, I don't think --7 THE COURT: Okay. 8 MR. KLEIN: -- that that part is omitted. But I agree 9 with you that the question remains and, you know, that's what I 10 was going to move on to. Is whether there is a colorable, 11 good-faith claim that might have been asserted against DAS had it stopped doing its job, stopped paying these bills. 12 13 so happens that Delphi standard terms and conditions, as is 14 usually the case in the automobile industry calls for the 15 application of Michigan law so I'm going to discuss the 16 potential liability under Michigan law and I would refer the 17 Court to a Michigan case called Keyes, K-E-Y-E-S, v. Scharer, 18 S-C-H-A-R-E-R. And that's 165 N.W. 2d 498 (1968). 19 And it involves -- it addresses the question of when a 20 party that has delegated responsibility -- what -- the 21 circumstances under which a party that is delegated responsibilities under contract could be liable to the other 22 contracting party for the performance or nonperformance of its 23 24 delegated responsibilities. And under Keyes, first the court

held that it was a question of fact as to the nature of

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.59}$ - 11 Pg 163 of 944

- 1 under -- it's a question of fact under the circumstances as to
- 2 the nature of the delegees responsibilities and, second, it
- 3 goes on to emphasize -- -and I'm quoting now -- "that it" --
- 4 and it referring to being liable to the other contracting
- 5 party -- "make sense for commercial transactions involving
- 6 assignments particularly when it is the regular business of the
- 7 assignee to render the incomplete performance.
- 8 THE COURT: Has Delphi -- or more particularly, DAS --
- 9 ever taken the position contrary to this view and prevailed in
- 10 this case?
- MR. KLEIN: I'm not aware that the issue came up. But
- 12 again, the question --
- 13 THE COURT: I mean, in the Chapter 11 case.
- MR. KLEIN: I --
- 15 THE COURT: There have been about 13,000 objections to
- 16 claims in this case and we're down to about -- what? To about
- 17 a hundred now? So, I don't know what -- you know, I don't
- 18 really recall that issue but -- anyway --
- MR. KLEIN: One, I don't know but DAS needn't be the
- 20 exclusive obligor. The fact that DAS is obli --
- 21 THE COURT: No, no, I understand that. The question I
- 22 was -- if it is an obligor, then you win; there's no issue
- 23 there. I just -- this is a -- the reason I'm asking is it's an
- 24 argument that would never be made in a different context.
- MR. KLEIN: Well, no, I don't think it's -- in our --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{160} - 11 Pg 164 of 944

- 1 well, I suppose it depends on what you mean.
- 2 THE COURT: If DAS is -- if someone filed a proof of
- 3 claim against DAS and the contract party was Delphi
- 4 Mechatronics, DAS well may have objected to the proof of claim;
- 5 I don't know.
- 6 MR. KLEIN: Well -- and I don't know either, Your
- 7 Honor. But the question isn't whether it is disputable. The
- 8 fact that DAS might have disputed it doesn't mean that they
- 9 weren't subject to a claim and there's noth --
- 10 THE COURT: If they disputed it an won I think it mean
- 11 it.
- MR. KLEIN: I'm sorry; I had a hard time hearing, Your
- 13 Honor.
- 14 THE COURT: If they disputed it and won, then I think
- 15 there might be judicial estoppel here.
- 16 MR. KLEIN: I don't think so, Your Honor, and this is
- 17 why.
- 18 THE COURT: Because you're looking at the date of the
- 19 petition?
- MR. KLEIN: No, because I'm looking --
- 21 THE COURT: Or the transfer, I mean.
- MR. KLEIN: No, I'm -- the question focuses on the
- 23 date in which the payment is made.
- THE COURT: Right. The date of transfer.
- 25 MR. KLEIN: And it's a pre-petition date. And the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{161} - 11 Pg 165 of 944

- 1 question -- the question isn't do we admit that we're liable.
- 2 The -- if you're protecting yourself from the risk of a claim
- 3 and a claim includes a disputed claim, then it is -- you are a
- 4 debtor for purposes of the preference statute.
- 5 THE COURT: Okay.
- 6 MR. KLEIN: There's a number of cases addressing this
- 7 in the context of disputed claims or in the context of
- 8 contingent claims. So it's -- the ultimate question isn't
- 9 whether DAS would have won or lost the lawsuit by a supplier
- 10 who had been unpaid and turned to DAS, assuming, for example,
- 11 hypothetically, that the party that issued the purchase order
- 12 entered into bankruptcy but DAS hadn't. I think it's entirely
- foreseeable that DAS could be subject to a claim, however
- 14 disputable, and if that's the case, it makes them a debtor for
- 15 purposes of the bankruptcy statute, of the preference statute.
- 16 And again, this goes back to the Enron case and the Bennett
- 17 Funding case.
- 18 Now, you know, I just quoted the Michigan case which
- makes the point that there's a particular likelihood of
- 20 liability of it's part of the regular business to render the
- 21 performance; here to pay the bills. Obviously, that is the
- 22 case With DAS with respect to these contracts. So I do think
- that, under Michigan law, there would be a colorable risk of
- 24 liability and that's all that's required.
- The second thing that I would point this Court to is

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₆₂ - 11 Pg 166 of 944

DPH HOLDINGS CORP., ET AL.

1 this Court's decision in Randall Island Family Golf Centers 2 Inc. 290 B.R. 55 from this Court in 2003. It involved claims 3 brought by the parent; it's quite similar to this. It involved 4 claims brought by the parent's transferor who operated a 5 centralized cash management function. Same as here. And paid 6 bills on behalf of its subsidiaries. The Court rejected the 7 defendants' argument that it wasn't the parent's debt because 8 the goods were ordered and shipped to subsidiaries. And the 9 Court says, quote, "the complaint implicitly invoked an agency 10 type theory and asserted the preference claim on behalf of the 11 debtors." 12 Now in that case, unlike -- you know -- I know this 13 Court has already ruled and certainly I'm not revisiting that, 14 the Court has already ruled that asserting a claim generically 15 on behalf of the debtors isn't sufficient but the Court does 16 recognize that the operator of a cash management system on 17 behalf of its subsidiaries -- it think the gist of the opinion 18 is that it can give rise to an agency type of relationship 19 sufficient to support its status as a debtor under the statute. 20 Now, the second thing that I want to turn to is the 21 equitable nature of this Court's jurisdiction and how it comes 22 into play on this issue. In Katz v. First National Bank of 23 Glen Head from the Second Circuit 1978, 568 F.2d 964, page 970, 24 the court stated that a Bankruptcy Court, as a court of equity, 25 must look through form to substance and treat the transaction

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{163} - 11 Pg 167 of 944

- 1 according to its real nature. The court in Missouri and the
- 2 case of -- matter of Isbell, I-S-B-E-L-L, 24 B.R. 234 (W.D.Mo.
- 3 1982), quoted Katz and then used -- relied on Katz in part, in
- 4 fact, looked beyond the formal nature of the transaction to
- 5 uphold the preference claim.
- 6 In Isbell, the situation was that the Isbell
- 7 bankruptcy involved individual -- a corporation and its owners
- 8 as individuals in bankruptcy. Shortly before the bankruptcy,
- 9 the owners personally borrowed money, passed the money on to
- 10 the corporation which then repaid the bank. I'm -- it's -- the
- 11 corporation had a preexisting loan application. Defendants
- 12 argued that the defendants -- that the debtor and creditor
- didn't line up under 547 because it's the individuals pay money
- 14 and the corporation whose debt is satisfied as a result of the
- 15 money. And the court said, against relying on Katz -- first to
- 16 quote Katz, I won't repeat the quotation and said the parties
- 17 to a transaction cannot, by using the individual debtors to
- 18 make a payment on behalf of the corporate debtor, prevent
- 19 through technicality and a thin disquise the performance that's
- 20 being reckoned as such.
- 21 Now this, obviously, is factually distinguishable.
- There's no suggestion that any one on the debtors' side was
- 23 trying to manipulate anything here by having DAS pay the bills
- for other entities but, again, the Court, as a court of equity,
- does have the ability to avoid a situation where, although

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.64}$ - 11 Pg 168 of 944

- 1 there are payments which by every other characteristic, by
- 2 every other element, are preferences which allow the debtors --
- 3 excuse me, allow the creditors to be in a preferred position
- 4 versus the other unsecured creditors by the factual detail, the
- 5 technicality of DAS performing the payment function to avoid
- 6 its obligations under the preference statute. And it's far
- 7 better characterized, I believe, as a preference than as a
- 8 fraudulent conveyance or any other theory in which,
- 9 hypothetically, that that payment, which did injure the other
- 10 creditors, could be recovered.
- The only thing that stands between it and its true
- 12 characterization as a preference is the detail that, as with
- 13 many, many large companies and small companies -- Randall's
- 14 Golf Shops isn't a huge company -- uses centralized cash
- 15 management function.
- 16 THE COURT: Okay.
- 17 MR. KLEIN: Just briefly, I want to discuss the
- 18 Kimball Hill case which was just cited in early June out of the
- 19 Northern District of Illinois and which a number of defendants
- 20 cited in their surreply briefs just filed within the last few
- 21 days. Kimball Hill involved a situation in which the plaintiff
- in the preference action issued purchase orders but yet no
- 23 other role in the transaction. They didn't receive
- 24 performance, they didn't make the payment. And so in a
- 25 sense -- the company that brought the -- the company that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{165} - 11 Pg 169 of 944

- 1 brought -- the entity that brought the claim was similarly
- 2 situation, in a number of respects, to the entities which
- 3 plaintiffs here say --
- 4 THE COURT: I understand.
- 5 MR. KLEIN: Let me re --
- 6 THE COURT: You're basically saying it's the reverse
- 7 of our situation.
- 8 MR. KLEIN: It's the re -- yes, thank you. That
- 9 sentence was wandering off into nowhere; I apologize. So it is
- 10 the reverse and the court found that in that circumstances, the
- 11 fact that the plaintiff issued a purchase order didn't make it
- 12 the debtor, where that was its only connection to the
- 13 transaction. And so although plaintiffs think that Kimball
- 14 Hill is helpful to them, I think it's anything but helpful. It
- 15 reflects the fact that this is more than a formulaic line
- 16 drawing exercise. You look to the substance of what is going
- 17 on and if the --
- 18 THE COURT: Although you'd think that the issuance of
- 19 a purchase order would at least give rise to a disputed claim,
- 20 right?
- MR. KLEIN: Well, I guess I could only say that that
- 22 issue wasn't raise in the case.
- THE COURT: Okay.
- 24 MR. KLEIN: I take the point. The only other thing
- 25 that I would add on Kimball Hill and I know that the Court

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{166} - 11 Pg 170 of 944

- doesn't want to address it in this point, but in Kimball Hill
- leave to amend was granted to correct the parties.
- 3 THE COURT: Right. Okay.
- 4 MS. HAFFEY: If I could just briefly, Your Honor. You
- 5 asked Mr. Klein a question and I have talked with my client and
- 6 DAS never did object on the basis that Mr. Klein was raising
- 7 today.
- 8 THE COURT: Okay. All right. You ready -- are you
- 9 passing out from hunger or are you going to --
- 10 MR. BOWLES: That would be Court's choice. If the
- 11 Court --
- 12 THE COURT: No, really, I'm serious. If people want
- 13 to take a break now or you want to finish your argument first.
- 14 I'm -- it depends on how faint people are.
- 15 MS. HAFFEY: I would just as soon finish this.
- MR. BOWLES: We'll --
- 17 MS. HAFFEY: Let's finish.
- MR. BOWLES: We'll this one --
- THE COURT: Okay.
- 20 MR. BOWLES: -- it that would be within the Court and
- 21 I'm -- And I'm, once again, on behalf of the -- before we
- 22 started this federal stuff, before we got the DSSI ruling, but
- 23 there are certain things. First of all, Your Honor, as a
- 24 general overview, the presentation was nice but, as Your Honor
- 25 noted, it's not in the proposed amended complaint. You know,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{167} - 11 Pg 171 of 944

- 1 the details, the facts, the inferences; none of that exists.
- 2 It just simply says, like Your Honor said, in a particular
- 3 paragraph there's about number different where they have gee,
- 4 we weren't operating and we paid for it. Now, the bigger
- 5 problem is, Your Honor, actually going back to your December
- 6 17th order, in some respects of why who is the plaintiff --
- 7 THE COURT: You mean the September order.
- 8 MR. BOWLES: The June -- July 22nd dismissal order.
- 9 THE COURT: Right.
- MR. BOWLES: In there, you said that they had to list
- 11 transferor/transferees and any known immediate transferees.
- 12 And this is where, as Your Honor has said, where you have a
- 13 number of people who contracted the -- DAS might, in fact, be
- 14 somebody who should have been sued by another set of debtors.
- 15 Because it was the initial transferee. In other words, DAS is
- 16 acting as -- you know, I pay you because you have a contract
- 17 with me to pay somebody else. That's either a conduit or is it
- 18 best of the initial transferee and their subsequent
- 19 transferees. And I won't bore the Court because you know if
- 20 you're a subsequent, nonimmediate transferee, you have a lot
- 21 more rights and defenses than you would have if you are an
- 22 immediate and initial transferee.
- 23 Further, Your Honor, you still have the problem of --
- THE COURT: Well, I actually any known subsequent
- transferee against whom relief is sought.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{168} - 11 Pg 172 of 944

DPH HOLDINGS CORP., ET AL.

1 Right. MR. BOWLES: 2 THE COURT: So --MR. BOWLES: But it still -- but remember, Your Honor, 3 4 they didn't designate in any of these that the defendants were 5 subsequent transferees and they probably were and they probably 6 had to. Because if they're seeking relief against the 7 defendant and it turns out they are a subsequent transferee 8 that they did not comply with the order and properly allege 9 that. Further, Your Honor, in the multiple identified 10 11 contract case, there's still the problem that we still don't 12 know who the technical plaintiff is. When we started out this 13 on antecedent debt, the debtors said that there were two 14 There are actually three. The third element is owed elements. 15 to a debtor. In other words, you actually can't have, you 16 know, some agency theory that they talk about; oh, there's an 17 agency theory. Your Honor basically said you can't name all 18 the debtors under some agency theory. 19 And further, Your Honor -- and just preaching to the 20 choir -- this case was never substantively consolidated. Ιt 21 was substantively consolidated for certain voting purposes but

never consolidated for any other purpose including the one we

have here. So if they're going to sue, they have to have the

right party to whom the debt was owed, who made the payment.

Like they said, they could have sold subsequent transferees.

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₆₉ - 11 Pg 173 of 944

- 1 They could have sold for DAS being a fraudulent conveyance for
- 2 that matter. But, if you remember, they also waived all their
- 3 constructive fraudulent conveyances. They only reserved a few
- 4 and none of these are the ones here.
- 5 So, basically, Your Honor, as an initial overview,
- 6 what it basically has is we don't have a proper identification
- 7 still, in these cases where they have multiple ones, to satisfy
- 8 Igbal and Twombly, of who the proper plaintiff is, who the
- 9 proper plaintiff should have been and you don't have immediate
- 10 transferee identification because, I don't believe -- I haven't
- 11 read every one of them but at least the of the ones I've seen,
- 12 it's about thirty, I have not seen anyone say oh, and by the
- way, the defendant is a nonimmediate transferee under 549 and
- 14 550.
- 15 THE COURT: Can I parse these through -- I understand
- 16 your subsequent transferee point. I don't understand the
- 17 multiple plaintiff point.
- 18 MR. BOWLES: Well, the multiple plaintiff point comes
- 19 down -- not multiple plaintiff point but the multiple people --
- in other words, in several of these, not mine, DSSI, so I have
- 21 to --
- 22 THE COURT: Right.
- MR. BOWLES: If somebody has one that you might want
- 24 to argue instead of this but I can -- basically, where they
- 25 have the ones of -- well, actually, DSSI, although we've gotten

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{170} - 11 Pg 174 of 944

- 1 another issue that's been resolved -- they did, in fact, say
- 2 another entity and -- I think it was actually Delphi. It
- 3 contracted with the parties and --
- 4 THE COURT: But the plaintiff here is DAS?
- 5 MR. BOWLES: Correct.
- 6 THE COURT: Right? There's no -- they're not multiple
- 7 plaintiffs anymore.
- 8 MR. BOWLES: No. But the truth is --
- 9 THE COURT: That's why I was -- that's the only point
- 10 I was --
- MR. BOWLES: Oh, no, no, no. What I mean is -- by
- 12 multiple plaintiffs, what I mean is they have listed one party
- as a plaintiff but they have not alleged that -- where they had
- said, in their exhibits, that there are two parties that
- 15 contract with the people. That there are a lot -- there are a
- 16 lot of people and there are a lot of individual debtors that
- 17 have their own individual claims on this. So there are other
- 18 debtors here not all part of DAS. My only point is, in cases
- 19 where they say various debtors contracted with the defendants,
- 20 they've not shown anything that shows that, gee, DAS is in fact
- 21 the party as opposed to the other debtor. They have not made
- 22 any allegations --
- THE COURT: Well, they're contention is that let's get
- over for the moment the fact that it's pretty bare bones,
- assumed or otherwise became obligated by, but they supplement

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{171} - 11 Pg 175 of 944

- 1 that by saying that they actually made the payment and it made
- 2 it in its own name not in the name of the contracting party.
- 3 That --
- 4 MR. BOWLES: But wouldn't --
- 5 THE COURT: The 547(B)(2) when it says for or on
- 6 account of an antecedent debt owed by the debtor, that as far
- 7 as owed by the debtor is concerned, you just need to show that
- 8 it completely would arise to the level of a disputed claim.
- 9 MR. BOWLES: And I don't think that what they're
- 10 arguing there would be -- if you take the Enron case. Probably
- 11 it's the most one. Enron had various entities that paid for
- other entities. As people note, they were both what I would
- 13 call the alternative ones. 547, preference complaint and
- 14 constructive fraudulent conveyance claim. Here, it's
- 15 undisputed the debtors waived all their constructive fraudulent
- 16 conveyance claims years and years ago in documents that long
- 17 before, thank God, I got involved in this case. But
- 18 unfortunately while you were here. That would be sadly more in
- 19 a fraudulent conveyance case as opposed to a preference case.
- 20 In other words, the Enron --
- 21 THE COURT: So you're distinguishing Enron on the
- 22 basis that the court basically said it's either one or the
- other and this -- and that's pleading for at least one.
- MR. BOWLES: Right.
- THE COURT: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{172} - 11 Pg 176 of 944

- 1 MR. BOWLES: In many respects there are other more
- 2 specific ones --
- 3 THE COURT: What -- what --
- 4 MR. BOWLES: -- but that's who I have for the general
- 5 group argument.
- 6 THE COURT: What about Bennett Funding?
- 7 MR. BOWLES: Bennett Funding, I'm not as familiar with
- 8 that one but Bennett funding, once again, is well before
- 9 Twombly and Iqbal which is its biggest problem. I believe it
- 10 was a 2003 decision.
- 11 THE COURT: I think before that.
- MR. BOWLES: Okay. But I mean, when you start going
- 13 to what is sufficient pre-Twombly and Iqbal, I think, as Your
- 14 Honor has noted, there was a seat change with Twombly and Iqbal
- 15 including under preferences. So whether those were allegations
- 16 sufficient prior to Twombly and Iqbal, I do not -- or with
- 17 its --
- 18 THE COURT: Well, do you have any -- other than
- 19 Kimball, which I guess we'll get to; do you have any cases that
- 20 basically say the phrase debt owed by the debtor requires it to
- 21 be an actual, fixed, liquidated debt as opposed to a disputed
- 22 claim?
- MR. BOWLES: Not in my pleadings, Your Honor, and not
- 24 anything I prepared, I'll leave the other people to that but I
- 25 do not have anything that I cited.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{173} - 11 Pg 177 of 944

- 1 THE COURT: Okay. I mean, I think, maybe this is more
- of a question for your adversary here but it's a two-part --
- 3 it's a two-part standard it's kind of a debt and debt is
- 4 liability of a claim which includes contingent unliquidated
- 5 claims. And then it says, owed by the debtor, one could argue
- 6 that Congress is being more specific then and said actually
- 7 owed by the debtor. But I don't -- I'm not aware of any cases
- 8 that say that.
- 9 MR. BOWLES: There's no other defendants --
- 10 THE COURT: Well, you were going to say something
- 11 about DSSI specifically.
- MR. BOWLES: Oh, no, no. I said I had nothing more.
- 13 THE COURT: Oh, you have nothing more. Sorry. Okay.
- MR. BOWLES: You can go to my colleague if I'm winning
- 15 the issue.
- 16 THE COURT: All right. Well, I'm not sure you're
- 17 winning on this one.
- 18 MR. KULBACK: Your Honor just briefly, Jerry Kulback
- on behalf of Magnesium electron.
- Your Honor raised a question to debtors' counsel as to
- 21 whether any objections to claims were filed. In fact, my
- 22 client filed a proof of claim against Delphi Corporation et al.
- 23 It was an objection, a ninth objection, it was filed on the
- 24 basis that it was against ASAC and it was allowed by Your
- 25 Honor, pursuant to a stipulation that was entered against ASAC.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.74}$ - 11 Pg 178 of 944

- 1 The debtor took the position, in this bankruptcy court
- 2 before Your Honor, in the ninth objection that the claim was
- 3 against ASAC, no other debtor. There's a schedule that's
- 4 attached to the omnibus objection that listed all the debtors
- 5 and it had a little number.
- 6 THE COURT: Including DAS?
- 7 MR. KULBACK: DAS is on that schedule and they did not
- 8 assert that this was a claim, disputed or otherwise --
- 9 THE COURT: I'm sorry; the schedule was to your proof
- of claim that asserted it was against DAS?
- MR. KULBACK: No, my proof of claim was against Delphi
- 12 Corporation, et al., which would include everyone. They
- decided to limit it to ASAC. In fact, Your Honor, paragraph 14
- of the Magnesium Electron complaint says that ASAC contracted
- 15 with Magnesium.
- 16 THE COURT: Right.
- 17 MR. KULBACK: It does not say anybody else contracted.
- 18 It specifically identifies ASAC as the contracting party in
- 19 that. And then in conclusory fashion it says DAS became
- 20 obligated or assumed those obligations, but that's not the
- 21 position that they took in connection with the claims
- 22 objection. That was resolved, I believe, by stipulation at
- 23 docket number 4414.
- THE COURT: Okay.
- MR. KULBACK: I'm sorry; that's the wrong docket

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.75}$ - 11 Pg 179 of 944

- 1 number but --
- THE COURT: That's okay.
- 3 MR. KLUBACK: -- but it was revised by stipulation
- 4 before Your Honor.
- 5 THE COURT: But counsel's point is that, when I was
- 6 raising the issue of judicial estoppel, I said well even if
- 7 that had been the case it doesn't really apply to 547(b)(2)
- 8 because it refers to debt owed by the debtor before such
- 9 transfer was made, so you look to the prepetition period.
- MR. KULBACK: Well, we are looking at the pre-petition
- 11 period.
- 12 THE COURT: I understand.
- MR. KLUBACK: And it --
- 14 THE COURT: And the debtors prevailed on -- the
- 15 debtors prevailed on a position that says that --
- MR. KULBACK: And they prevailed on that position,
- 17 Your Honor, at the time that it hid the fact that they filed
- 18 all these complaints against all the debtors -- against all the
- 19 defendants. They're flip-flopping their position where it
- 20 suits them.
- 21 THE COURT: All right. Okay.
- 22 MR. KULBACK: And as Your Honor noted, if it were in a
- 23 different context they would be taking a different position.
- 24 If in fact --
- 25 THE COURT: Well, I don't know. I mean, the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.76}$ - 11 Pg 180 of 944

- 1 representation to me was that they didn't. They didn't take a
- 2 different position.
- 3 MR. KULBACK: Here, Your Honor, we pushed the issue
- 4 that it was a claim against DAS or any other debtor, for that
- 5 matter, other than ASAC, the contracting party --
- 6 THE COURT: Was it paid? It wasn't paid, I guess,
- 7 right?
- MR. KULBACK: The claim?
- 9 THE COURT: Yeah.
- MR. KULBACK: Well, that raises another issue, Your
- 11 Honor, because a lot of claims were assigned in this case.
- 12 THE COURT: No, but was it --
- MR. KULBACK: My client sold its claim.
- 14 THE COURT: I'm not sure it's a contested matter. I
- 15 mean, if in fact it was a settlement where your client got paid
- in full, then Delphi didn't really win because they paid you
- 17 off.
- 18 MR. KULBACK: Well, it was a stipulation that allowed
- 19 the claim.
- 20 THE COURT: No, I understand. But if it -- and is
- 21 that all it did?
- MR. KULBACK: That's all it did, is allowed the claim
- as against the ASAC estate only.
- 24 THE COURT: Right. It didn't provide for any form of
- 25 payment or anything like that?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.77}$ - 11 Pg 181 of 944

- 1 MR. KULBACK: No form of payment or anything else. My
- 2 client subsequently assigned their claim, which goes to the
- 3 prejudice issue that we'll deal with later.
- 4 THE COURT: And did it object?
- 5 MR. KULBACK: The debtor had filed an objection.
- 6 THE COURT: They filed an objection on the basis that
- 7 it was really owed --
- 8 MR. KULBACK: Yeah, the ninth omnibus objection.
- 9 THE COURT: -- it was really owed by ASAC.
- MR. KULBACK: They reduced the claim and changed the
- 11 debtor party.
- 12 THE COURT: All right.
- MR. KULBACK: It's noted as a substantive objection
- 14 that they filed, the ninth objection was a substantive
- objection both as to the debtor and the amount of the claim.
- 16 THE COURT: Okay.
- 17 MR. KULBACK: And it was resolved by stipulation as
- 18 against ASAC only because that was the contracting party.
- 19 THE COURT: Okay.
- MR. KULBACK: Thank you, Your Honor.
- 21 THE COURT: Okay. All right. Anything more on this
- 22 point? You're just getting closer and not ultimately to the
- 23 microphone.
- 24 MR. KLEIN: Not to the microphone, Your Honor.
- 25 THE COURT: All right.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{178} - 11 Pg 182 of 944

DPH HOLDINGS CORP., ET AL.

1 MR. KLEIN: May I address the court very briefly, Your 2 Honor? THE COURT: Very briefly. Yeah. 3 4 One, I think Your Honor understands this; MR. KLEIN: 5 I think the claim is not the least bit inconsistent with the 6 position that --7 THE COURT: No, it's not objecting but if you actually 8 win then it is judicial estoppel, I think, unless I buy your 9 argument that it's -- I look only at the pre-petition period. 10 MR. KLEIN: I think you should buy that argument, Your 11 Honor. 12 THE COURT: Okay. 13 MR. KLEIN: But I actually don't think that it's that simple. Someone needs to make a decision whether to cut a 14 15 If in making that decision they run a risk of being subject to a claim if they don't cut the check, that's all 16 17 that's required. The fact that they disagree that in fact they 18 should be liable on the claim is irrelevant. That is the 19 essence of the point that I'm making and thus there really is 20 no inconsistency regardless of whether they objected and regardless of how that objection was resolved. 21 22 THE COURT: What is your response on the subsequent transferee point? 23 24 MR. KLEIN: Frankly it strikes me as an example of

expecting us to rebut in our pleading every speculative

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1.79} - 11 Pg 183 of 944

- 1 possibility as to how our allegations might turn out to be
- 2 untrue. We plead --
- THE COURT: I'm sorry to interrupt you. I had a
- 4 different reaction to it, which is that at least I think this
- 5 is the case in all of these; you do identify the other Delphi
- 6 party.
- 7 MR. KLEIN: Uh-huh.
- 8 THE COURT: So you do put the defendant on notice that
- 9 they might have a subsequent transferee argument. So I'm not
- 10 sure there's a real -- I mean, as far as complying with the
- 11 September 7th order, which says to identify subsequent
- transferees that you're going to hold liable, your obviously
- identifying who you're going to be able to hold liable. You
- don't say specifically they're are subsequent transferee but
- 15 you do give them the ability to argue that they're a subsequent
- 16 transferee by identifying the other Delphi parties for whose
- 17 benefit the transfer may have been made.
- 18 MR. KLEIN: And we didn't identify them as subsequent
- transferees because we don't think they're a subsequent
- 20 transferee.
- 21 THE COURT: But they're in there.
- MR. KLEIN: Yes, we identify the various parties that
- are part of this transaction. We don't think that identifying
- 24 them makes them a subsequent transferee. So certainly I agree
- 25 that -- with your fundamental point.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{180} - 11 Pg 184 of 944

DPH HOLDINGS CORP., ET AL.

1 Just two other quick comments. One, there was a 2 discussion of Bennett (ph.) Funding being pre-Twombly. Bennett Funding, A, it was following Enron but more fundamentally 3 Bennett Funding is about the definition of a debt in claim, it 4 5 has nothing to do with Twombly or Igbal or Connelly vs. Gibson 6 or anything else, or at least not for the purposes that I'm 7 discussing. 8 The only other point is, there was a mention of 9 substantive consolidation and indeed the substantive 10 consolidation was for limited purposes only and that's why I 11 didn't argue that as a formal matter, as a result of 12 substantive consolidation DAS could bring the claim. 13 there's a practical element of this as well, which is the money is going into a single pot. Creditors are unaffected, debtors 14 15 are -- the defendants aren't required to pay any more or any 16 less than if the claim had been brought by another party. And 17 again going back to form over substance, the substantive 18 consolidation does matter at, I think, a common sense level. 19 THE COURT: But I quess the issue I have there is 547 20 uses the word debtor in more places than just (b)(2). So if 21 you're saying the debtor -- it doesn't really matter because 22 it's all going to the same place but it's -- you know, you have to show the debtor was insolvent. It has to be owed by the 23 24 debtor.

I mean, I think there are proof issues for the trial

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{181} - 11 Pg 185 of 944

- 1 too. I can't -- I can't see just basically saying well it's
- 2 really all one debtor when it isn't. But --
- 3 MR. KLEIN: It's a fair point that it matters --
- 4 THE COURT: -- I mean, I think your main argument is
- 5 simply that it doesn't have to be a fixed liquidated claim, it
- 6 can be a contingent disputed claim.
- 7 MR. KLEIN: Your point's a fair point, I won't dispute
- 8 it.
- 9 THE COURT: All right.
- 10 MR. KLEIN: Thank you, Your Honor.
- 11 THE COURT: All right. Well, I'm going to break for
- 12 lunch for about forty-five -- why don't we come back at 3,
- 13 it'll take a while for everyone to get out. I thought you were
- 14 done.
- 15 MR. METH: I was, Your Honor, and this is procedural.
- 16 THE COURT: All right.
- 17 MR. METH: It is my understanding -- Richard Meth, Fox
- 18 Rothschild LLP, local counsel for DSSI.
- 19 It was our understanding, based on the comments made
- 20 by the Court after the review of the exhibits, that based upon
- 21 the total lack of any descriptives with regard to the DSSI
- 22 complaint that the motion to amend as to DSSI could not be
- 23 sustained. If in fact our interpretation of the Court's
- comments is correct, then we would ask that, if possible, the
- 25 Court could, in fact, deny the motion solely as to DSSI at this

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₈₂ - 11 Pg 186 of 944

- 1 point and we could be excused.
- If the Court has not yet ruled, obviously, that is our
- 3 wish.
- 4 THE COURT: No, I'm happy to do that although there's
- 5 the remaining -- I don't know if you asked for this, everyone
- 6 else did, that the debtors be precluded from filing a motion
- for leave to amend and I don't really want to rule on that yet.
- MR. METH: Then we will remain.
- 9 THE COURT: But -- but you're right about the first
- 10 part.
- MR. METH: Thank you, Your Honor. I appreciate the
- 12 clarification. Thank you.
- 13 THE COURT: All right. Thank you. I don't think this
- 14 courtroom is locked normally so I wouldn't leave anything
- 15 valuable in here but you can leave your papers here.
- 16 (Recess from 2:01 p.m. until 3:00 p.m.)
- 17 THE CLERK: All rise.
- 18 THE COURT: Please be seated. Okay. We're back on
- 19 the record in In re DPH Holdings, the Delphi complaints and
- 20 DAS's motion to amend.
- 21 When we left off I think we concluded arguments on
- that portion of the Rule 15(a) motion that raised issues under
- 23 Rule 8 concerning the necessary allegation of 547(b)(2) that
- 24 the transfer being made for or on account an antecedent debt
- 25 owed by the debtor. The various objectors have argued that in

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₈₃ - 11 Pg 187 of 944

DPH HOLDINGS CORP., ET AL.

1 the instances where the complaints make it clear that the 2 contractual relationship under which the debt was incurred, was with a debtor that is not a purported plaintiff, DAS, that on 3 4 their face the complaints don't comply with 547(b)(2) and that 5 the proposed amended complaint therefore shouldn't be permitted 6 to be filed as the amended complaint, because it wouldn't 7 survive a Rule 8 challenge. 8 The debtors contend to the contrary, that the 9 complaints in those circumstances allege enough to satisfy 10 547(b)(2) for purposes of the pleading standards set forth in 11 the Bell Atlantic Corp. vs. Twombly case, 550 U.S. 544 (2007) and Ashcroft vs. Iqbal, 129 S.Ct. 1947 -- I'm sorry, 1937 12 13 (2009).14 The portions of the complaint that are relevant here 15 are those -- are really threefold. First the complaint's assertion that the plaintiff made the payment at issue, that is 16 17 that DAS made the payment at issue which is set forth in the 18 complaint itself, as well as in the attachments to the 19 complaints, the schedules. Secondly, there's an assertion that DAS was the operating subsidiary of Delphi in North America 20 21 that performed, among other things, accounting and payment 22 functions for the reorganized debtors in connection with their 23 manufacture of various automotive parts, components, modules 24 and assemblies or in connection with paying for services. And

lastly, that -- I'm looking for a sample complaint here.

25

1	MS. HAFFEY: Would you like me to provide you with
2	one?
3	THE COURT: Yeah, just one that specifically covers
4	this issue because not all of the complaints that I have raise
5	the multiple transfer issue. Okay.
6	And then lastly that plaintiff assumed, or otherwise
7	became obligated for, Delphi subs, that those are the
8	identified Delphi entities that had the direct contractual
9	relationships, payment obligations. And in some instances
10	there's an additional allegation that that assumption was part
11	of an agreement, not with the defendant but with the Delphi,
12	the non-plaintiff Delphi affiliates that did have a contractual
13	relationship with the defendant.
14	As I've noted a couple of times in today's hearing
15	already, ultimately in Iqbal the Supreme Court stated, "In
16	determining whether a claim should survive a motion to dismiss,
17	a court must first identify each element of the cause of
18	action," Iqbal, 129 S.Ct. at 1947. Next, "The Court must
19	identify the allegations that are not entitled to, 'the
20	assumption of truth' because they are legal conclusions not
21	factual allegations," ID at 1951.
22	Finally, "The Court must assess the factual
23	allegations in the context of the elements of the claim to
24	determine whether they are " I'm sorry "to determine
25	whether they 'plausibly suggest' an entitlement to relief," ID

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.85}$ - 11 Pg 189 of 944

- 1 at 1951.
- 2 And that latter analysis should be done in a common
- 3 sense matter in light of the context specifically of the
- 4 particular complaint, see In re Hydrogen 431 B.R. 337 at 345 --
- 5 I'm sorry, 346 (Bankr. S.D.N.Y. 2010).
- 6 The statement in -- generally speaking in paragraph 14
- of the proposed amended complaint that plaintiff assumed or
- 8 otherwise became obligated for the other Delphi entities'
- 9 payment obligations in my view is the type of conclusory
- 10 statement of law that is not entitled to the presumption of
- 11 truth, evidentiary truth, under Rule 8 and the Igbal case, as I
- 12 believe is also confirmed or was confirmed in a similar context
- recently in In re Kimball Hill, K-I-M-B-A-L-L, Hill Inc., 2011
- 14 B.R. LEXIS 2163 (Bankr. N.D. Ill., June 2, 2011) at pages 32
- 15 through 35.
- 16 However, I agree with the plaintiffs reliance upon In
- 17 re Enron Corporation, 357 B.R. 32 (Bankr. S.D.N.Y. 2006), and
- in particular the discussion at pages 48 through 49 of that
- case where Judge Gonzalez discusses Section 547(b)(2) at some
- 20 length and concludes that the phrase that's at issue here owed
- 21 by the debtor or debt owed by the debtor encompasses, properly,
- or focuses properly on the noun debt which as defined in the
- 23 Bankruptcy Code includes liability that is matured, contingent
- 24 and disputed, et cetera. So that with the proper allegation
- 25 that would set forth sufficient facts and not legal conclusions

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₈₆ - 11 Pg 190 of 944

DPH HOLDINGS CORP., ET AL.

1 in the complaint, the complaint could satisfy Section 2 547(a)(2)'s debt owed by the debtor element by asserting a 3 disputed obligation of the debtor, as the debt that was paid. 4 The plaintiff contends that its proposed amended 5 complaint is different from the complaint in Kimball Hill in 6 this regard because in addition to making the conclusory 7 statement that I've already quoted, the complaint also makes it 8 clear that the plaintiff made the specific payments and 9 therefore, apparently, considered itself to be liable and that 10 it performed the accounting and payment function on behalf of 11 its affiliates and subsidiaries from which the plaintiff asked 12 me to infer that the DAS plaintiff could be found liable under 13 a plausible legal theory under Michigan law, as acting on 14 behalf of those entities and assuming their liability. 15 This is in contrast to Kimball Hill where, as noted by Judge Sonderby, the plaintiff there, although allegedly having 16 17 made the payments, appears not to have done so based on other 18 statements in the complaint and where it was stated that there 19 was no fact alleged that would give rise to a claim against the 20 plaintiff under applicable non-bankruptcy law in that case, 21 Texas case law see ID at page 35. 22 I find this to be a very close call, frankly. only real facts alleged in the complaint that would suggest a 23 24 claim is the fact of payment itself. However, that is a 25 significant fact in that the DAS entity made the payment

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.87}$ - 11 Pg 191 of 944

- 1 apparently not as a volunteer or at least I believe that's what
- 2 those with the supply and service relationships who were being
- 3 sued in these complaints, I believe, would plausibly allege at
- 4 the commencement of the DAS bankruptcy case.
- 5 So under the rationale of the Enron opinion that I've
- 6 already cited, it would appear to me that at that point the
- 7 defendants would have at least a disputed claim against
- 8 plaintiff DAS, which would satisfy that aspect of the
- 9 preference statute. That's the only basis for my denial of the
- 10 objection on this grounds. I believe that the rational of In
- 11 re Randall's Island Family Golf Centers, Inc., 290 B.R. 55
- 12 (Bankr. S.D.N.Y. 2003), that the plaintiff there would satisfy
- 13 Section 547(b)(2) because defendants were put on notice of what
- 14 was -- of the underlying claim implicitly invoking an agency-
- 15 type theory would not lie today in light of Twombly and Iqbal.
- I also believe that there's no real equitable basis
- for ruling in the plaintiffs' favor here, given the plain
- 18 language of the statute and that the plaintiffs -- the
- 19 plaintiff, instead, would have to show or plead sufficient
- 20 facts to show at least a disputed claim existing against DAS at
- 21 the time of the transfer, which I believe, as I said, the
- 22 complaint just barely does.
- So on that basis, I will overrule those objections to
- 24 the motion.
- 25 I also note that one creditor has asserted -- that is

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{188} - 11 Pg 192 of 944

DPH HOLDINGS CORP., ET AL.

1 Magnesium Corporation has asserted that there would be a basis 2 for judicial estoppel in that the debtor entered into a stipulation with it after it had asserted a claim against all 3 of the Delphi debtor entities, pursuant to which it was agreed 4 5 by the parties after the debtor had objected to that claim that 6 the claim would be allowed against only one debtor, the 7 specific contracting debtor, ACEC -- or ASEC. And that 8 therefore, the debtor should be judicially estopped since it's 9 the same contractual relationship that gives rise to this 10 preference claim from asserting that DAS could have money owed 11 to it by Magnesium. 12 I do not have sufficient facts with regard to the 13 stipulation itself to find that judicial estoppel either does 14 not apply or does apply. Normally, there is no judicial 15 adoption of a party's position for judicial estoppel purposes 16 in connection with a settlement. There's an exception to that 17 rule, however, where a court approval of a settlement is one 18 which implicitly requires adoption of the position at issue. Ι 19 am skeptical that court approval of this settlement did in fact require adoption of the debtors' position since there could be 20 21 any number of other reasons why the debtor would have settled 22 and I would have approved such a settlement. But the record is not clear enough for me to establish that one way or the other 23 24 here. So that issue, the judicial estoppel issue, would be

preserved for another day. See, generally, In re Allegiance

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₈₉ - 11 Pg 193 of 944

- 1 Telecom, Inc 356 B.R. 93 at page 107 through 108, Bankr.
- 2 S.D.N.Y. (2006).
- 3 Okay, I think that takes care of those issues under
- 4 547(b)(2). So are you going to move now to relation-back
- 5 issues?
- 6 MS. HAFFEY: I think we'll move next, Your Honor, to
- 7 the insolvency issue.
- 8 THE COURT: Okay.
- 9 MR. SENDEK: Good afternoon, Your Honor. Bruce Sendek
- 10 for DAS.
- 11 THE COURT: Good afternoon.
- MR. SENDEK: My colleagues were kind enough to leave
- 13 me with a rather straightforward issue that I believe we can
- 14 quickly demonstrate satisfies any issue that pertains to
- 15 sufficiency of pleading under Twombly.
- 16 The pleading that we have before the Court states that
- 17 the transfers at issue were made within ninety days of the
- 18 filing of the petition and we've alleged that the -- that DAS
- 19 wasn't solvent. Under 547(f), the Code allows the debtor to
- 20 presume insolvency within ninety days preceding the filing of
- 21 the petition. And this is obviously an important advantage to
- 22 the debtor. It is an advantage both in terms of ultimately
- 23 proving insolvency during that ninety-day period and it is also
- 24 an advantage in meeting any pleading requirements because the
- debtor only need allege that payments were made within that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₉₀ - 11 Pg 194 of 944

- 1 ninety-day period. And at that point, it is accepted as a
- 2 fact. That is what a presumption is.
- If the defendant does not at some later point in time
- 4 present evidence to rebut that presumption, then it given as
- 5 true and the plaintiff has met its burden of proof in that
- 6 regard. And when we look at the question of Twombly and
- 7 whether or not something is plausible or not, we see that we've
- 8 done far more than that. Whether it is not it is plausible
- 9 that we were insolvent is beyond dispute here. We have
- 10 demonstrated through the assistance of the presumption that it
- is a fact. It should be given and taken as a fact by this
- 12 Court that DAS was insolvent at the time the petition was
- 13 filed. And that may remain a fact right through trial unless
- 14 the defendants do something subsequently to rebut that
- 15 presumption. And that's where we are right now.
- 16 There are --
- 17 THE COURT: What if the -- I mean, the objectors say
- 18 that the debtors' already rebutted it itself by having
- 19 scheduled, DAS is in effect solvent.
- 20 MR. SENDEK: Well, if the Court is talking about -- I
- 21 assume the Court is talking about the schedule that they put
- 22 out there?
- THE COURT: Right.
- MR. SENDEK: Well, that doesn't do anything of the
- 25 kind. It is just a schedule and there are legions of cases

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1,91}$ - 11 Pg 195 of 944

DPH HOLDINGS CORP., ET AL.

1 that talk specifically about what schedules, book values, 2 financial statements, balance sheets mean in terms of proving insolvency which is, under the definition of Code, generally 3 speaking, whether or not the debts of the debtor -- liabilities 4 5 of the debtor exceed its assets at fair valuation. And, of 6 course, that's the key language. That's fair valuation. 7 book value -- even if prepared according to a GAAP Financial 8 Standard, this -- remember, this is just a schedule. 9 This is not -- it doesn't purport to be a GAAP 10 schedule. But even if it were prepared in accordance with 11 GAAP, that does not speak to valuation, other than the fact 12 that it was based on historic documents that may be adjusted 13 fro depreciation and the like. But the courts -- and I've --14 and we've cited them -- are clear that when you talk about 15 financial statements, schedules, lists of assets, yes, cash or cash equivalents may be reflected of valuations. But when you 16 17 get beyond that, when you get beyond cash or cash equivalents, 18 it may or may not have any relationship to the present value of the assets and generally doesn't. That was stated clearly in 19 20 the case of Ames which came out of this district, I do believe. 21 And it was stated in the Enron case quite clearly and that --22 when I'm talking about the Enron case, I'm talking about the case involving the preference with Arthur Anderson where they 23 24 were seeking a multimillion dollars preference in that case. 25 Arthur Anderson had the idea that they could

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₉₂ - 11 Pg 196 of 944

DPH HOLDINGS CORP., ET AL.

1 demonstrate that there was not insolvency at the time of the 2 petition being filed by reference to the Q10 report that was filed with the SEC which showed, I think it was, an excess of 3 two billion dollars -- no, I think, maybe it was -- no, it was 4 5 ten billion dollars of assets over liabilities. And Enron --6 in the Enron decision, I believe that was written by Judge 7 Gonzalez in the Southern District, discusses at length why it 8 does not in fact demonstrate insolvency. And, again, the 9 discussion, again, is of financial statements, schedules of 10 assets, don't reflect valuation and they cannot be used to 11 overcome the presumption. 12 In some cases -- I think there may be some cases where 13 a schedule -- I think I've seen one where a schedule was deemed 14 to overcome a presumption, post-leadings. But, just -- most --15 the majority of all the cases I have seen, Enron being one of 16 them, Ames being another, is that it doesn't overcome it. 17 ultimately -- at some point in this proceeding, past the 18 pleading stage, the defendants might make that argument and 19 then it will be for the Court to determine whether or not that 20 one schedule can in fact rebut the presumption that we now enjoy. But that's something to be determined later on. 21 22 The plaintiff in any preference action isn't required to plead and presume that the presumption will be rebutted. 23 24 That would make no sense. And -- because, again, Twombly talks 25 about possibilities, talks about likelihoods and we have here,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.93}$ - 11 Pg 197 of 944

DPH HOLDINGS CORP., ET AL.

1 for all intents and purposes as we sit today, a certainty that 2 we were insolvent at the time the petition was filed. far as the pleading requirements go, I would refer the Court to 3 the case that the defendants like very much because it does 4 5 have some rather stringent pleading requirements for preference 6 cases, and that's the Caremerica case. And in that case, in 7 fact, the Court made a decision that with preference claims 8 that went beyond ninety days, earlier than ninety days, and in 9 that decision, the Cour -- in that circumstance, the Court said 10 well, in that circumstance, the debtor has to allege some facts 11 to show they meet the Twombly standard of plausibility that it 12 was insolvent. But that's as to those preferences, not to 13 preferences that's (sic) within the ninety days. The language 14 was, "The trustee may presume a debtor is to be insolvent 15 during the ninety day period preceding the date of the 16 bankruptcy filing, however, this presumption is inapplicable to 17 preferential transfers made outside of the ninety day period." 18 And that's the best case they have. 19 So, what we learn from the totality of all the cases, and what we learn from Caremerica, even under the most 20 21 favorable of circumstances to the defendant, is that pleading 22 insolvency is based on the presumption that the statute allows is a given. We are deemed insolvent as of the date of the 23 24 petition. And that'll stay the case until it's -- until it is 25 rebutted by adequate evidence.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1.94} - 11 Pg 198 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: Okay. 2 If it please the Court, Roger Jones on MR. JONES: behalf of the Calsonic defendants and also speaking for other 3 4 defendants with respect to the insolvency issue. 5 With respect to insolvency, Your Honor, we have two 6 The first is, we do not believe that the debtor DAS arguments. 7 is entitled to rely on 547(f) to meet its pleading requirements 8 under Iqbal & Twombly. Your Honor, if you take a look at the 9 legislative history of 547(f), you will find that it is an 10 evidentiary presumption subject to Rule 301 of Federal Rules of 11 Evidence. That's an evidentiary presumption under 301 that is 12 applicable at trial. The presumption is rebuttable and once 13 any evide -- some evidence is introduced to the contrary, the 14 presumption is rebutted. That presumption does not render 15 insolvency somehow not an element of a preference claim and it 16 does not shift the burden of proof. The burden of proof is on 17 the debtor; it is an element of the claim. 18 We understand, Your Honor, that five-for -- that 19 Caremerica permitted the debtor to rely on the presumption. 20 Your Honor, we simply disagree with that conclusion, again, 21 because Rule 301 indicates that 547(f) is nothing more than an 22 evidentiary presumption to be applied at trial and not at the pleading stage, which is where we are now. 23

Second, Your Honor, if it were applicable, it is the case that the debtor has itself rebutted the presumption

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.95}$ - 11 Pg 199 of 944

- 1 already and did so a long time ago. There are cases -- we
- 2 cited those in our pleadings, Your Honor, that have found
- 3 schedules showing equity in the debtors' assets to be
- 4 sufficient to rebut the presumption. But more importantly,
- 5 Your Honor, the debtors' chief restructuring officer testified
- 6 before this Court that the debtor was solvent at least as of
- 7 August of 2005, which is during the period that we have at
- 8 issue here.
- 9 Your Honor, that testimony was given to this Court in
- 10 connection with the motion to form or approve -- require the
- 11 U.S. Trustee to appoint a committee of equity holders. And
- 12 there were -- there was testimony regarding whether the debtor
- 13 was insolvent or hopelessly insolvent in connection with
- whether a committee should be appointed.
- 15 The debtors' chief restructuring officer, Mr. John
- 16 Sheehan, testified that in two-thou -- in August of 2005, that
- 17 the debtor made a distribution to its shareholders which it
- 18 could not have made under Delaware law unless the debtor was
- 19 solvent at that time. And Mr. Sheehan testified expressly that
- 20 the debtor was solvent at that time. Your Honor, that is the
- 21 transcript of the March 21, 2006 hearing before this Court.
- 22 Mr. Sheehan's testimony, most relevant parts, begins on page
- 23 152 of that testimony --
- 24 THE COURT: Is this attached to any particular
- 25 objection?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{1.96}$ - 11 Pg 200 of 944

- 1 MR. JONES: It's attached to Affinia's objection, Your
- 2 Honor. We relied on it, but it is attached to Affinia's
- 3 objection.
- 4 THE COURT: All right. Let's take a quick look.
- 5 MR. JONES: It is Exhibit G, Your Honor,
- 6 THE COURT: Right.
- 7 MR. JONES: It --
- 8 THE COURT: Okay. The dividend there was by which
- 9 debtor entity?
- 10 MR. JONES: It was Delphi, Your Honor.
- 11 THE COURT: Okay.
- MR. JONES: It was the reor -- it was the --
- 13 THE COURT: It was the ultimate --
- 14 MR. JONES: -- Delphi corporate --
- THE COURT: -- parent --
- MR. JONES: -- publicly traded parent.
- 17 THE COURT: Right.
- MR. JONES: You are correct, Your Honor, that it was
- 19 not DAS.
- THE COURT: Okay.
- MR. JONES: And on page 157,
- 22 "Q. In fact, you thought you were solvent. That's why paid
- 23 the dividend, right?
- 24 "A. Yes, sir."
- THE COURT: All right.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{1.97} - 11 Pg 201 of 944

- 1 The Court makes an important point that MR. JONES: 2 that testimony relates to Delphi. But if the Court takes a look at the debtors' position here, it is the debtors' position 3 4 that its statements and schedules are in error because its 5 statements and schedules did not reflect pension liabilities 6 that Delphi was unable to pay. But if Delphi was solvent, that 7 means it was able to pay its pension liabilities. 8 THE COURT: But the schedules are not prepared at a 9 fair valuation, right? They're not conclusive evidence of --10 MR. JONES: No, they are not conclusive evidence. And conclusive evidence is not required to rebut the presumption. 11 It's just an evidentiary presumption. You come forward with 12 13 some evidence. 14 All --THE COURT: 15 MR. JONES: We cited in our papers four cases that 16 have held that schedules showing equity in the assets are 17 sufficient to rebut the presumption. Still, have to have a 18 trial, people put on their competing proof, all that sort of 19 But it sufficient to rebut the presumption. 20 THE COURT: But, I guess, the ultimate issue -- I 21 mean, I thought about this, I think, pretty carefully. I don't 22 see why, given that Congress has set forth that presumption, that at the pleading stage unless there's, again, some form of 23 24 judicial estoppel which I don't think exists here, the
- 25 plaintiff can't rely on it -- why the plaintiff has to show

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 $_{\!1\,9\,8}$ - 11 Pg 202 of 944

DPH HOLDINGS CORP., ET AL.

	DPH HOLDINGS CORP., ET AL.
1	more.
2	MR. JONES: Your Honor
3	THE COURT: I mean, it's evidence.
4	MR. JONES: it is an evidentiary presumption.
5	THE COURT: But it's I mean okay. It's still
6	evidence. And as far as the pleading is concerned, it's not
7	conclusory because it's beyond the legal standard. It's an
8	actual factual fact of life that Congress says is built into
9	the statute.
10	MR. JONES: Your Honor, we don't disagree with that.
11	But 547(f) is no different than any other presumption under
12	Rule 301 of Federal Rules of Evidence. There are many other
13	presumptions out there of 547(f), but evidentiary presumptions
14	are not applicable at the pleading stage. But if the Court
15	concludes that 547(f) is applicable at the pleading stage, then
16	they can't rely on it in this case and they can't rely on it in
17	this case because there's already sufficient evidence in the
18	record to rebut the presumption.
19	THE COURT: But that this isn't on Rule 8, though,
20	then. This is on futility?
21	MR. JONES: No
22	THE COURT: I'm
23	MR. JONES: it's not on futility, Your Honor. We

understood the Court's comments that it did not wish to have an evidentiary hearing on --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₁₉₉ - 11 Pg 203 of 944

- 1 THE COURT: Well, so --
- 2 MR. JONES: It's not on futility. This is an Iqbal
- argument, Your Honor. Our argument is very straightforward,
- 4 Your Honor. We do not believe 547(f) eliminates the
- 5 requirement that they plead some facts to support insolvency as
- 6 an element of preference claim. if it is applicable at the
- 7 pleading stage, we think it's -- was rebutted in this case by
- 8 their statements and schedules and by their testimony of their
- 9 CRO such that they can't rely on it, meaning --
- 10 THE COURT: The CRO, I think, is a red herring. He's
- 11 talking about the parent company and the parent company had
- 12 access to the equity of foreign subsidiaries.
- MR. JONES: It also, then, Your Honor, had the
- 14 ability, if it was solvent, if it were solvent at the time, to
- 15 pay the pension liabilities which is basis for the debtors'
- 16 argument that DAS was not solvent. They argue you should
- ignore the statements and schedules in this case because they
- don't include the pension liabilities that Delphi could not
- 19 pay.
- 20 THE COURT: But, I don't follow that because the --
- 21 that would only be on a derivative basis or secondary basis
- 22 after DAS couldn't pay them.
- MR. JONES: Your Honor --
- THE COURT: DAS is liable for them, too.
- MR. JONES: Well, that -- their argument is that they

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₀ - 11 Pg 204 of 944

- 1 allocated -- and if you take a look at the affidavit that's
- 2 attached, they allocated to DAS pension liabilities that could
- 3 not be paid by Delphi. Not all the pension liabilities, but a
- 4 portion of the pension liabilities that could not be paid by
- 5 Delphi.
- 6 THE COURT: I just -- to me, this, again, does not
- 7 seem to me to be a pleading issue. This is an issue that
- 8 parties fight out at trial when they decide what the fair
- 9 valuation actually is. I mean, as far as pleading is
- 10 concerned, Congress has said this is a presumption. And what's
- 11 the point of saying it's a presumption if you can't rely on it?
- MR. JONES: The question is when can you rely on it?
- 13 Can you rely on it at the pleading stage or is it an issue of
- 14 trial?
- 15 THE COURT: Well, I mean, it's easier to -- I --
- MR. JONES: Your Honor --
- 17 THE COURT: -- I think you ought to --
- 18 MR. JONES: -- I'm not going to belabor the point --
- 19 THE COURT: -- flip that one. I think it's more
- 20 likely you rely on it at the pleading stage than at trial
- 21 because someone can rebut it at trial. But pleading, it's not
- 22 about rebutting; it's about just getting at your case.
- MR. JONES: I'm not going to belabor the point, Your
- Honor.
- THE COURT: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{201} - 11 Pg 205 of 944

- 1 MR. JONES: Those are our arguments.
- THE COURT: All right.
- 3 MR. JONES: I do not know whether the Court wishes to
- 4 address (b)(5) at this time or whether the debtors intend to
- 5 address that and admit it as part of their presentation, we
- 6 would respond to it.
- 7 THE COURT: They'd do better in a Chapter S -- is
- 8 that -- in a liquidation?
- 9 MR. JONES: Yes.
- 10 THE COURT: Is someone going to address that
- 11 separately?
- MR. SENDEK: We could address that, Your Honor. Yes.
- 13 MR. JONES: Thank you, Your Honor.
- 14 THE COURT: Okay. We might as well deal with that
- 15 now, I think.
- 16 MR. SENDEK: Does the Court wish to hear any rebuttals
- to the arguments made by counsel?
- 18 THE COURT: Well, no, I don't think so.
- MR. SENDEK: Okay.
- THE COURT: I mean, no one has a case on point except
- 21 for perhaps Caremerica. But that's not really in point,
- 22 either. Well, I guess it is -- yeah, it is on point. I'm
- 23 sorry. It is on point.
- MR. SENDEK: Then I won't miss an opportunity to say
- 25 nothing.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₂ - 11 Pg 206 of 944

- 1 THE COURT: All right.
- MR. SENDEK: Your Honor, 547(b)(5) is a very close
- 3 cousin to the issue we just described and --
- 4 THE COURT: Right. No -- can I cut through this?
- 5 MR. SENDEK: Yes.
- 6 THE COURT: If it's insolvent and you're dealing with
- 7 unsecured debt, nonpriority unsecured debt, that's the end of
- 8 it, right?
- 9 MR. SENDEK: It is, Your Honor. And we rely --
- 10 THE COURT: I mean, it has to -- you can get 99.9
- cents on the dollar and still trip over 547(a)(5) -- (b)(5),
- 12 excuse me.
- 13 MR. SENDEK: I couldn't have said it better. And
- 14 that's exactly what Enron says, one of the key cases we rely
- on. It says exactly that, that that's the end of the inquiry
- 16 where Arthur Anderson tried to make a case that said well, you
- 17 haven't shown that this was the condition as of the time that
- 18 the petition was filed. And the Court basically said not so,
- 19 the presumption carries you there as well. As well as looking
- 20 at later events that occurred in the proceedings, that in Enron
- 21 the fact that the general creditors did not receive anything
- 22 was another determining factor as here --
- 23 THE COURT: But, this -- again, that's a -- that's not
- 24 a Rule 8 case. That's a later -- that's an evidentiary case.
- 25 MR. SENDEK: Well, that was at summary judgment, Your

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₃ - 11 Pg 207 of 944

- 1 Honor.
- THE COURT: Right.
- 3 MR. SENDEK: The interesting thing is that all these
- 4 cases that are trying to attack the presumption are at -- are
- 5 well beyond the pleading stage. And we're way ahead of the
- 6 game here --
- 7 THE COURT: Except --
- 8 MR. SENDEK: -- I mean, that's something for later on.
- 9 THE COURT: Except Caremerica.
- 10 MR. SENDEK: Except Caremerica which is the only one
- 11 that addresses at the pleading stage, but over and over again,
- we see the cases are on summary judgment or at trial where the
- 13 courts make determination regarding the effect of the
- 14 presumption and whether or not it's been rebutted or not. And
- 15 here, again, I say it's a close cousin because we've
- 16 established that we were insolvent as of the time the petition
- 17 was filed, at least for now, until somebody comes up with
- 18 credible evidence to rebut that. So that also takes us through
- 19 547(b)(5).
- THE COURT: Okay.
- MR. SENDEK: Thank you.
- THE COURT: Any response on that one?
- MR. JONES: Your Honor, just as we don't believe that
- 24 the presumption ought to be applicable to carry the day with
- 25 respect to insolvency, we certainly don't think it should be

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{2 0 4} - 11 Pg 208 of 944

- applicable to carry the day with respect to 547(b)(5).
- 2 There are no real other allegations in the
- 3 complaint -- in the proposed amended complaint that would carry
- 4 the day on that issue. If they don't get the benefit of the
- 5 presumption to carry the day on 547(b)(5), then they would
- 6 lose.
- 7 THE COURT: Right.
- 8 MR. JONES: The only allegation is that on a
- 9 consolidated basis, somebody in 2009 may get less than 100
- 10 cents on the dollars which doesn't tell you what would have
- 11 happened in 2005.
- 12 THE COURT: Right. But, again, it seems to me that if
- 13 I accept the proposition that simply stating the debtor was
- insolvent is sufficient because of the presumption in 547(f),
- 15 then given that this is described as unsecured debt, unsecured
- trade debt, it would seem to me that that would be enough, not
- only for (b)(3) but also for (b)(5).
- 18 MR. SENDEK: Well, Your Honor, we would cite the
- 19 Caremerica which actually, I think, reaches a different
- 20 conclusion about that and looks for whether there are
- 21 allegations regarding (b)(5) even though the presumption
- applied with respect to the ninety-day period prior to the
- 23 filing and found that the statements and schedules which showed
- 24 insolvency were sufficient to carry that, which is not the case
- 25 here.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{2\,0\,5}$ - 11 Pg 209 of 944

- 1 THE COURT: But it's -- I mean, what more would you
- 2 say?
- MR. JONES: According to Caremerica, that you would
- 4 offer some allegations regarding what would have occurred had
- 5 DAS been liquidated on the petition date.
- 6 THE COURT: Well, I mean, the -- under 101(32),
- 7 it's -- insolvency is to be determined at a fair valuation.
- 8 MR. JONES: That's correct, Your Honor.
- 9 THE COURT: There's a statutory presumption of
- 10 insolvency on the petition date.
- MR. JONES: Your Honor, I'm not going to belabor the
- 12 point --
- THE COURT: Okay.
- 14 MR. JONES: -- I think our position's clear.
- 15 THE COURT: I mean, I think the theory would have to
- 16 assume that a Chapter 7 liquidation would result in more value
- than the statutory presumption? I guess that's what we'd have
- 18 to assume. That just doesn't -- I mean, that really -- I mean,
- 19 that tips plausibility on its head. That truly is implausible.
- MR. JONES: Your Honor --
- 21 THE COURT: It doesn't make any --
- 22 MR. JONES: -- I would --
- 23 THE COURT: It doesn't make any sense. If that were
- the case, Delphi would have just sold itself.
- 25 MR. JONES: Your Honor, we don't disagree with that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₆ - 11 Pg 210 of 944

- 1 point. We don't believe the presumption gets them over the
- 2 pleading hurdle with respect to insolvency or 547(b)(5).
- 3 THE COURT: Okay. All right. Well, I did think about
- 4 this. Obviously, the schedules can be used and have been used
- 5 at times, although at other times have not been used and been
- 6 found not to be a basis for rebutting the statutory presumption
- of insolvency within the ninety days before the petition date
- 8 that's set forth in Section 547(f).
- 9 I believe that, first, that issue of rebuttal is an
- 10 issue to be dealt with on the facts, either on summary judgment
- or at a trial and not in the pleading because the Court would
- have to look at the schedules and in all likelihood, I think,
- 13 also have to take evidence as to their preparation and the
- 14 effort that went into determining whether those were done at
- 15 fair value or not. None of that is before me at the pleading
- 16 stage.
- 17 What is before me, again, is a statutory presumption
- 18 and I think that is sufficient to take this issue, which really
- is -- shows up twice at 547(b)(3) and 547(b)(5) out of the
- 20 ambit of the first aspect of the Iqbal Rule 8 test, which is
- 21 that I shouldn't give the presumption of evidentiary fact to
- 22 legal conclusions, as opposed to factual allegations. And I
- 23 believe that Congress meant this to be a -- treated as a
- 24 factual allegation by building it into the statute as an
- 25 evidentiary presumption.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₇ - 11 Pg 211 of 944

- 1 So, I believe that the proposed amended complaint do 2 sufficiently plead insolvency, given that they're only dealing with the ninety days before the petition date -- dealing with 3 transfers made within ninety days before the petition date. 4 5 Are there more Rule 8 issues? 6 MR. SENDEK: Your Honor, I don't know if you consider 7 relationship back a Rules 8 issue? 8 THE COURT: Well, I'm happy to turn to relation back. 9 I don't think there were any specific Rule 8 issues beyond 10 this, although as I noted, there were at least a couple of 11 objectors who stated that at least for some of their clients, 12 the pleadings didn't comply with my, really, order and that 13 they asserted aggregate claims against them less than 250,000 dollars. I don't know if that's Rule 8 or just futility, but 14 15 you could -- we should deal with that one, too. 16 MS. HAFFEY: I'd be happy to address that, Your Honor. 17 I did need to have the defendants identify themselves who 18 believe that that is the case because it was the reorganized 19 debtors' belief that any time we looked at the complaints and 20 we saw that that was the case, we dismissed them. and as of, I 21 want to say maybe a month ago, there was one that was brought 22 to our attention that we had missed and we have agreed to dismiss that. And I believe it's already dismissed, that's why 23 I, really, do not know what defendant is making that argument. 24
- 25 THE COURT: Okay --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₈ - 11 Pg 212 of 944

- 1 MS. HAFFEY: It may be moot --
- THE COURT: -- is anyone making that argument? I
- 3 thought someone -- I thought I saw a couple like that.
- 4 MR. SAYDAH: Your Honor, again, Gilbert Saydah of
- 5 Kelley, Drye on behalf of various BP entities identified in the
- 6 complaint, in adversary proceeding 07-02270 --
- 7 THE COURT: Right, right.
- 8 MR. SAYDAH: -- as BP Amoco Corp., BP Products North
- 9 America, Inc., Castrol and Castrol Industrial.
- 10 Your Honor, in the amended -- in the proposed amended
- 11 complaint, it breaks down the transfers by BP entities
- 12 specifically sought against BP Amoco, the debtors seek only
- 4,660 dollars and against BP Products North America, Inc., they
- 14 seek only 13,561 -- -562 dollars. And they have no claims
- asserted at all against the defendants simply identified as BP.
- 16 THE COURT: All right. Okay, this is one of the ones
- 17 I reme -- maybe this is the only one I remembered, but I didn't
- 18 see anything dealing with this one.
- 19 MS. HAFFEY: We will move to dismiss those, Your
- 20 Honor --
- 21 THE COURT: Okay.
- MS. HAFFEY: -- we, earlier, dismissed the BP
- 23 Microsystems, Inc. when it brought to our attention and it's
- just an oversight.
- THE COURT: Okay, very well.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₀₉ - 11 Pg 213 of 944

- 1 MR. SAYDAH: Thank you.
- 2 THE COURT: I'm not sure there were any other ones
- 3 besides that.
- 4 Okay, why don't we turn to the relation back issues
- 5 and I guess there are two there. One is new defendants and one
- 6 is new -- allegedly new claims. Although perhaps that doesn't
- 7 exist anymore because of the doubling up issue. I'm not sure.
- MR. SENDEK: We believe you're exactly right, Your
- 9 Honor, that the bulk of the objections were based on increased
- amount of the claims and we've agreed that we won't seek
- amounts beyond what were alleged in the amended compl -- in the
- 12 original complaint.
- THE COURT: Okay. Why don't we stick with that, then,
- 14 first? If the debtor is limiting the amount it's seeking in
- 15 each complaint now to the amount that was sought in the
- original complaint, logically it seems to me there's no issue
- 17 there. Am I missing something?
- 18 I mean, leaving aside the different defendants point,
- 19 that's a separate issue. And the numbers may change because
- 20 the different defendant and I understand that point. But
- 21 that's a different relation back analysis than new dollars
- amounts.
- MR. SULLIVAN: Your Honor, James Sullivan, counsel for
- 24 Timken. I'm in charge with this issue. I guess it's just a
- 25 matter of clarifying, so just by way of example, the original

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₀ - 11 Pg 214 of 944

- 1 Timken complaint had 16 transfers identified and the amended 2 complaint had something like 142 transfers and there are only 8 which overlapped. And, you know, we couldn't really make heads 3 4 or tails of them because we, you know, we asked for information 5 on the new transfers and an explanation as to how they got from 6 16 to 142, even though the number of plaintiffs dropped from 40 7 to 1 and the number of defendants dropped from 5 to 2. And 8 I've been asking for that information since October, didn't get 9 any. And today in court was the first time I got any kind of 10 explanation on it. So I guess that. I just want to confirm --11 THE COURT: No, that's a good -- I mean, you make a 12 good point. Maybe I spoke too soon. 13 How can I conclude that a complaint that lists 147 transfers or, you know, some number, 35 transfers, as being 14 15 avoidable deals with the same transaction or occurrence as a complaint -- the first one filed that dealt with 10? 16 17 MS. HAFFEY: May I? 18 I mean, they could be completely different THE COURT: transfers. It just -- you know, the fact that the debtors' 19 20 willing to limit the aggregate exposure to the dollars amounts set forth in the first complaint may not be enough. 21 22 MS. HAFFEY: The original complaints, Your Honor,
- identified transfer dates and then the amounts. So it's a
 matter of looking at the new -- because there's additional
 lines is not really the issue. It's --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₁ - 11 Pg 215 of 944

DPH HOLDINGS CORP., ET AL.

1 THE COURT: It's the dates --2 MS. HAFFEY: -- you've got to --3 THE COURT: --- you're saying? MS. HAFFEY: You've got to compile the dates. So for 4 5 that August 2nd date, for instance, and compile them and see if 6 for that date, if it was increased. And generally speaking, 7 where this error happened, it -- there were doubling of 8 entries, the Timken complaint happens to be a unique one where 9 it wasn't -- it's not so clear as to the doubling. You have to 10 add up the amounts per dates. But, as we said just a moment 11 ago, if -- when we do that and we add it by date, if by date 12 the transfer amount is greater, we will go with what the 13 original complaint says. 14 THE COURT: Well, but would it -- are there situations 15 where in the complaint that's currently on file you list 16 for example three million dollars for June 21st -- well, that 17 would -- no. For September 21st, 2005, but when you look at 18 the schedule in new complaint, the transfers made on September 19 21st, 2005 don't add up to three million dollars. Is there 20 anything like that? 21 MS. HAFFEY: So it would be less than? 22 THE COURT: Yeah. Or not double but something other than double or less than? 23 24 MS. HAFFEY: In, perhaps, Timken and a minority, it

might be something other than double and they are a rare case.

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{212} - 11 Pg 216 of 944

- I don't believe it would ever be less than, but -- I certainly
- 2 haven't heard that argument from defendants that we're suing
- 3 them for less. Although there are certain complaints in the
- 4 aggregate it has been less.
- 5 THE COURT: So how --
- 6 MS. HAFFEY: I haven't heard that complaint.
- 7 THE COURT: How would that satisfy 15(c)? I mean,
- 8 it's -- you're talking about different transactions, then,
- 9 aren't you?
- 10 MS. HAFFEY: I'm going to let Mr. --
- MR. MILIN: No, Your Honor. It's not different
- 12 transactions. The -- perhaps this was clear already. The
- original complaint rolled up numbers to total by date.
- 14 THE COURT: Right.
- MR. MILIN: This unbundles them.
- 16 THE COURT: But, no, I'm dealing with just the
- 17 specific fact pattern where when you unroll them, they unroll
- 18 out to a different number other than just the mathematical
- 19 doubling error, which you know is --
- 20 MR. MILIN: And in the instances in which it's not
- 21 doubled, we believe it's a question of some but not all line
- items within a single date got doubled. let me take you a step
- 23 back to say, as we said in our omnibus reply, under the law of
- 24 this district, relation back does back -- can potentially
- 25 become a factual issue for -- precisely because it -- I suppose

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₃ - 11 Pg 217 of 944

- 1 we would need to examine the claims at issue and, you know, be
- 2 able to demonstrate that the numbers in the new one tie to the
- 3 numbers in the old one once certain transactions are eliminated
- 4 or undoubled. We can do that.
- 5 It's -- standing here now, I can't, you know, for a
- 6 particular plaintiff, take one number, show you the line items
- 7 on the new exhibit that tie it to the old number. But, that is
- 8 the fact. There are no -- we aren't pursuing transactions
- 9 which weren't included within the rolled up number in the prior
- 10 first version of the complaint.
- 11 THE COURT: Well, isn't that a problem?
- MR. MILIN: At the pleading stage, I don't believe so.
- THE COURT: Well, but, we're talking about relation
- 14 back. I mean, if these are really -- I mean, see if I could
- 15 say this clearly. The complaints were filed timely as those
- 16 complaints and if they -- if what's being filed now is really
- 17 asserting different transfers, then it's time barred.
- MR. MILIN: But they're not.
- 19 THE COURT: But how do we know that? They say they
- 20 are.
- MR. MILIN: Well --
- 22 THE COURT: I mean, there's got to be some response
- 23 to the defendants -- you just told me you can't do it.
- MR. MILIN: No, what I said is standing here now, I
- 25 can't take 160 line items and, you know, do it on the fly here.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₄ - 11 Pg 218 of 944

- 1 That's all I intended to say. I didn't intend to say that we
- 2 can't demonstrate if it comes to that factual issue -- and it
- 3 is a factual issue that, in fact, we are pursuing the same
- 4 transactions as were at issue and --
- 5 THE COURT: Well, is it a factual issue or is just a
- 6 matter of showing -- I mean, this is just -- I just -- it's not
- 7 a factual issue in the sense that the transfers themselves are
- 8 being questioned. It's, what was the basis for your original
- 9 filing and what was the basis for this filing? Right? I mean,
- 10 those are documents that are in your control.
- MR. MILIN: The --
- 12 THE COURT: If you could show me those two documents,
- or two sets of documents, whether the others dispute it or not,
- 14 then I would think it would be a factual issue. But, since
- 15 both sets of documents are in your control, I'm not sure why
- 16 this is a factual issue. I mean, you either have them or you
- 17 don't.
- 18 MR. MILIN: Well, first in terms of being a factual
- issue, in our omnibus reply we cited -- and I'm sure I'm going
- 20 to mispronounce this -- Tabacalera Cubana v. Faber, Coe &
- 21 Gregg, 379 F. Supp. 772 (S.D.N.Y. 1974).
- 22 THE COURT: No, I understand. Often -- often these
- issues are factual issues. For example, the issue of
- 24 prejudice. You know, it's a four-factor test; the issue of
- 25 prejudice is by nature a factual issue. And similarly, whether

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₅ - 11 Pg 219 of 944

- 1 the original -- I'm sorry, whether the claim in your proposed
- 2 amended complaint arises out of the same conduct set forth in
- 3 the original pleading is many times a factual issue.
- 4 On the other hand, here it doesn't strike me as -- it
- 5 strikes me as fundamentally different because this is simply
- 6 dealing with facts within your own control. I wouldn't let
- 7 them dispute it on this record. Okay?
- If you came up with a list, which you have, which is
- 9 the attachments to the present -- the proposed amended
- 10 complaints, and then compared it -- and this is what's
- 11 missing -- to the list that formed the basis of the original
- 12 complaint, I wouldn't let Mr. Sullivan say, well, we disagree
- with that, they're not really related, they didn't happen on
- 14 the same day. That would be the type of factual issue we'd
- 15 have to develop. On the other hand, I'm not even seeing that
- 16 second list.
- 17 MR. MILIN: Okay. So I respond this way. First, in
- 18 those instances where the amounts are the same, I think the
- 19 dates and amounts are the same --
- 20 THE COURT: I --
- 21 MR. MILIN: -- rolled up it is a fair inference. In
- those instances in which there is an exact duplicate and we've
- 23 acknowledged the duplication I think it's a fair inference. In
- those instances in which it's more complex than the same number
- or an exact duplicate I would acknowledge that, you know, we

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₆ - 11 Pg 220 of 944

- 1 would need to -- it can be reconciled; it can't be reconciled
- 2 on the papers in front of the Court right now. I would
- 3 acknowledge that.
- 4 THE COURT: Okay. All right.
- 5 MR. THOMAN: Your Honor, this is Jim Thoman
- 6 representing Unifrax.
- 7 I just want to point out that it gets even more
- 8 complicated and harder to discern, at least in our
- 9 circumstance. We've been lumped into a lawsuit with BP, and I
- 10 know Mr. Saydah has spoken with respect to that complaint. The
- original complaint sued several BP entities as well as Unifrax,
- and that exhibit to that complaint doesn't specify what entity
- is being sued and so there's absolutely no way, based on even
- 14 the transfer date that we could possibly tie in the transfers
- in the original complaint to their amended complaint because
- 16 there's several -- four or five different entities involved in
- 17 multiple transfers on the same day.
- 18 THE COURT: Okay. Well, I don't want to -- can we
- 19 put -- just put your point to the side for a second? I just
- 20 wanted to deal with the more simple case where there's one
- 21 defendant and there's not a complete overlap of days and
- 22 numbers.
- MS. HAFFEY: Well, can I provide the Court with an
- 24 example? If we would --
- THE COURT: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{217} - 11 Pg 221 of 944

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1	MS. HAFFEY: look at Merrill Tool.
2	THE COURT: Let me just find that.
3	MS. HAFFEY: I'll be happy to share my
4	THE COURT: No, I just okay, I have it.
5	MS. HAFFEY: The original complaint was for
6	\$2,111,280.54 (sic). The proposed amended complaint is four
7	million two hundred and twenty (skip in audio) and
8	twenty-four cents, not quite double but similarly double.
9	If the Court would look at the July 11th transfer just
10	as an example. This is a complaint where we had the issue with
11	doubling as part of that date. You can see that the transfer
12	of \$4,550 is shown twice there.
13	THE COURT: Right.
14	MS. HAFFEY: It's the third and fourth line down on
15	the exhibit.
16	THE COURT: Right, it's the same numbers.
17	MS. HAFFEY: Exactly. It used to
18	THE COURT: I think in the next column too, the
19	MS. HAFFEY: Exactly.
20	THE COURT: Right.
21	MS. HAFFEY: But if you go back to that one, Your
22	Honor, if you subtract the doubled one so add up the three
23	line items, the nineteen five the first, second and third
24	line item, and then look at the original complaint, it's the

dollar amount on the original complaint. So there is a way to

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₁₈ - 11 Pg 222 of 944

- 1 rectify --
- THE COURT: Right.
- MS. HAFFEY: -- and to do this.
- 4 THE COURT: But somewhere in there, there is a number
- 5 that's different and that's the one that I think --
- MS. HAFFEY: It's the doubled.
- 7 THE COURT: No, no, you said that it isn't -- it isn't
- 8 exactly doubled.
- 9 MS. HAFFEY: Well, it's because certain of the
- 10 transfers of July 11th are the same transfers as shown on the
- original complaint but for one clerical error --
- 12 THE COURT: That were not doubled.
- MS. HAFFEY: -- doubled one of them.
- 14 THE COURT: All right. Well, but what I'm saying --
- okay, I think that was consistent with what your colleague
- 16 said. If it's clear from the face of it that the numbers are
- 17 just doubled, simply doubled, then you just cross out one of
- 18 those and reduce the amount of the complaint. And if that ties
- 19 into the transfer made on the bundled date in the first
- complaint there shouldn't be a problem. On the other hand, if
- 21 what you're left with after X'ing out the clear doubled ones,
- 22 and the clear doubled ones at least here are easy to X out. I
- 23 mean, it's easy to see that they're --
- MS. HAFFEY: Right.
- 25 THE COURT: -- they're duplicated. And if the numbers

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{219} - 11 Pg 223 of 944

- don't match up with the first complaint then the difference, I
- 2 think, is obviously new. And then those, I think, should not
- 3 be permitted -- the new numbers.
- 4 MS. HAFFEY: Again, without seeing the specific
- factual situation I can't concede that it would obviously be
- 6 new.
- 7 THE COURT: Okay. All right.
- 8 MS. HAFFEY: I think it's going to get down to looking
- 9 at each particular exhibit.
- 10 THE COURT: Okay.
- MS. HAFFEY: But I do say to the Court I think that
- that's going to be a very few of these and the typical problem
- 13 was --
- 14 THE COURT: All right. Well, it should be --
- 15 MS. HAFFEY: -- what I pointed out to you.
- 16 THE COURT: -- a mechanical analysis, I guess.
- 17 MR. SULLIVAN: Your Honor, my only problem is, you
- 18 know, I've been asking them for their information since
- 19 October. In my opposition papers and in my surreply I
- 20 highlighted the fact that we went from 16 to 140 some odd
- 21 transfers, that there was only overlap of 8 of those, and I got
- 22 no response.
- THE COURT: Well, I think they acknowledge you're in a
- 24 different position.
- MR. SULLIVAN: Yeah.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₀ - 11 Pg 224 of 944

- 1 THE COURT: But as far as the general -- and I'm
- 2 not -- I don't want to -- I'm not forgetting about the
- 3 gentleman on the phone, but is the general proposition that
- 4 I've just laid out, is there anything wrong -- I mean, beyond
- 5 that, I'm having a hard time seeing why the debtors should be
- 6 precluded.
- 7 MR. SULLIVAN: Well, I guess I don't want to speak for
- 8 others if I'm in a different position.
- 9 THE COURT: Right, okay.
- MS. BRAUN: Excuse me, Your Honor?
- 11 THE COURT: Yes.
- MS. BRAUN: It's Beverly Braun of Jaeckle Fleischmann
- 13 for Jamestown Container.
- 14 THE COURT: Yes.
- 15 MS. BRAUN: I just want to clarify specifically what
- 16 the debtors are proposing because we are also in a position
- 17 where the amended complaint proffers an overpay -- proffers to
- 18 be more than what was in the original complaint. And it is not
- 19 a true doubling; it's approximately 3,606 dollars. But I can
- 20 tell you this that there are approximately twenty-five
- 21 transactions identified in the original complaint, whereas in
- the amended complaint there's probably close to 3,000.
- THE COURT: Right, but you have in the amended
- 24 complaint the Exhibit 1 which lists the days, the transfer
- 25 dates.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₁ - 11 Pg 225 of 944

- 1 MS. BRAUN: It does.
- 2 THE COURT: So you could go from there to the
- 3 bundled -- what they clearly did was they bundled the transfers
- 4 in the original complaint by day.
- 5 MS. BRAUN: No, that's clear, Your Honor. I think I
- 6 just wanted to make sure that I understand clearly that the
- 7 debtors are saying that in those instances where there was a
- 8 duplicate or even perhaps a new transaction that appeared in
- 9 the amended complaint that is greater than what was on the
- 10 original, that the potential maximum liability to my client is
- 11 that which they were seeking in their original complaint.
- 12 THE COURT: Well, they definitely said that as to
- doubling; I'm saying it as to the other part.
- MS. BRAUN: Thank you.
- 15 THE COURT: Okay.
- 16 MS. HAFFEY: I think we said it to both of them.
- 17 THE COURT: Okay. Well, counsel's correcting me.
- 18 They're willing to say that as to both points.
- MR. HERMAN: Your Honor, very briefly, Victory
- 20 Packaging is in a similar position to Timken. We went from
- 21 approximately --
- THE COURT: We can't hear you.
- MR. HERMAN: We went approximately from twenty-one
- 24 million dollars to twenty-seven million dollars, from 114
- 25 transfers to 400 pages of transfers. We don't think that, as a

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1222 - 11 Pg 226 of 944

DPH HOLDINGS CORP., ET AL.

- 1 defendant, Victory Packaging should have to carry the burden of 2 matching these items up. This is the plaintiffs' burden. 3 shouldn't have to figure out whether it relates back --4 THE COURT: Well, I mean, we could do it right now. 5 MR. HERMAN: They can sit here and do it, yes, Your 6 Honor. 7 THE COURT: Okay. 8 But you know what, Your Honor, they've MR. HERMAN: 9 had since Your Honor directed them to file amended complaints 10 to do that. And the motion for -- to amend doesn't do the job. 11 It doesn't explain how you got from 114 page, you know, to, you know, seven million dollars more. And again, Your Honor, that 12 13 is bad faith, that is trying to push the burden that they 14 should have had onto the defendants. And for all the reasons 15 that my colleague representing Timken has said, these 16 complaints don't meet the standards. These complaints don't --17 they haven't carried their burden that they should be entitled 18 to amend. THE COURT: Well, on the face of it, though, if in 19 20 fact these schedules do show that -- I'll just use a 21 hypothetical, you know, 75,000 dollars were transferred on 22 August 9, 2005, albeit it's now in fifteen entries instead of one which is in the original complaint, then on its face it 23
- 25 add all those up and then I think the overflow should not be --

seems to relate back unless the numbers don't match up when you

24

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₃ - 11 Pg 227 of 944

- 1 the overage should not be counted.
- MR. HERMAN: Your Honor, I would agree with that but
- 3 is is the plaintiffs' job to match it up and present it to the
- 4 Court and to the defendant. Otherwise they're shifting their
- 5 burden to do their job and the cost of doing that job onto the
- 6 defendants.
- 7 THE COURT: Well, they're offering to do it right now.
- 8 MR. HERMAN: They're offering to do it right now?
- 9 THE COURT: I guess, right?
- MR. HERMAN: But they had, Your Honor, since September
- or December or February to do the job. That was a basic --
- 12 THE COURT: Well, but --
- 13 MR. HERMAN: -- fundamental element of their motion to
- 14 amend --
- 15 THE COURT: -- the job is responding to your objection
- 16 as opposed to amending the complaint, right? Because they did
- 17 amend the complaint. They're saying the evidence is right in
- 18 the amendment to the complaint; all you have to do is look at
- 19 the schedules and compare it to the other document that's on
- 20 file, which is the schedules to the first amended complaint.
- 21 MS. HAFFEY: Your Honor, I think counsel's concern
- 22 with this one, and I understand it, is as he said, it went --
- 23 this is one of those --
- THE COURT: I can't hear you.
- MS. HAFFEY: This is one of those complaints Victory

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{2.24} - 11 Pg 228 of 944

- 1 Packaging was the packaging supplier for DAS and --
- THE COURT: The schedule's very long on this one.
- 3 MR. HERMAN: Still is, Judge.
- 4 MS. HAFFEY: It's three hundred and --
- 5 THE COURT: Right.
- 6 MR. HERMAN: It's 400-some odd pages.
- 7 MS. HAFFEY: -- sixty-some pages.
- 8 THE COURT: Right.
- 9 MS. HAFFEY: But we have said that we would do that, I
- 10 mean, that -- you know, as we have instructed the Court today.
- 11 But I understand, you know, why other counsel would not want to
- 12 do that. It's a voluminous exhibit.
- THE COURT: Well, they're going to do it, right?
- MR. HERMAN: Your Honor, my point is they should have
- done it already, but okay, they're going to do it.
- 16 THE COURT: Okay.
- 17 MS. GRUBIN: Your Honor, I would just like to add
- 18 that -- this is Janice Grubin on behalf of Select. The
- original complaint had twenty-one transfers. The proposed
- amended complaint had 276 transfers.
- 21 THE COURT: No, but it's all the same point. They did
- 22 everything --
- MS. GRUBIN: There's a 45,000 dollar difference here.
- It's not six million certainly but my client's been put to a
- 25 lot of expense and time in getting to this point and we would

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits $1_{2.25}$ - 11 Pg 229 of 944

- 1 like some indication that we'll get better cooperation in a
- 2 timely fashion --
- 3 THE COURT: Okay.
- 4 MS. GRUBIN: -- to focus on --
- 5 THE COURT: All right.
- 6 MS. GRUBIN: -- this.
- 7 THE COURT: No, I understand that.
- 8 MS. GRUBIN: Thank you.
- 9 THE COURT: And I certainly think all of these points
- 10 go to the issue of being able to replead. I just don't -- you
- 11 know, all of this is sort of cumulative. I understand that
- 12 point.
- MR. HERMAN: Your Honor --
- 14 THE COURT: But I think that's where it comes in, as
- 15 opposed to --
- 16 MR. HERMAN: I agree, Your Honor. Maybe they should
- 17 be entitled to replead it, maybe not, but it's
- 18 not --
- 19 THE COURT: No, I'm saying this is suggesting to me
- they shouldn't be entitled to replead.
- MR. HERMAN: Yes.
- 22 THE COURT: But --
- MR. HERMAN: And Your Honor, I just want to add that
- 24 there has been serious prejudice to Victory Packaging by the
- overstatement of the claim, in our view, because we've had it

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₆ - 11 Pg 230 of 944

- 1 to include in our financial statements and our reporting.
- THE COURT: Okay.
- 3 MR. HERMAN: Your Honor --
- 4 THE COURT: Did any -- I mean, no one looked at it and
- 5 said these are the same numbers twice?
- 6 MR. HERMAN: It's very hard to match it up, Judge.
- 7 There's a lot of data on those schedules, as you've
- 8 acknowledged --
- 9 THE COURT: No, but -- well, I mean, we should look at
- 10 this --
- MR. HERMAN: It doesn't work.
- 12 THE COURT: Because of course I'm looking at right now
- the Merrill Tool one, but let's just look quickly at Victory
- 14 Packaging because I want to see; maybe yours is different
- 15 than --
- 16 MR. HERMAN: Can I hand you my notebook? I have an
- 17 extra.
- THE COURT: No, I have it.
- MR. HERMAN: Okay.
- 20 THE COURT: I've just checked for it under here.
- MR. APPLEBAUM: Your Honor, this is Joel Applebaum on
- 22 behalf of Doshi. I think what everyone here on this side is
- asking themselves and what I think you're about to do is
- 24 mechanically how do we get from here to there. We have --
- THE COURT: No, I understand.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₇ - 11 Pg 231 of 944

- 1 MR. APPLEBAUM: We have in the first complaint a
- 2 number and then in the amended complaint it's doubling, not
- 3 necessarily of the entire amount but portions of the transfers
- 4 and how do we get back --
- 5 THE COURT: I understand. Let me just look --
- 6 MR. APPLEBAUM: -- to this number.
- 7 THE COURT: I mean, when you look at the Merrill Tool
- 8 one it's really easy, I mean, because it's just clear that
- 9 they're duplicate entries all the way through. It's not just
- 10 the same amount and the same day, it's also the same purchase
- order/invoice number. It's all the same. So I wanted to look
- 12 at the Victory one just to see if there's --
- MS. HAFFEY: I do not travel with our volume of
- 14 Victory, Your Honor. It's, I think, at least three volumes.
- 15 THE COURT: Let me just turn to it. Okay. So you had
- 16 almost your own notebook because it's so thick.
- 17 MR. HERMAN: Well, Your Honor, unfortunately I had,
- 18 you know, helped with a little circuit training today.
- 19 THE COURT: So I have gotten to that. I'm not seeing
- 20 a lot of obvious duplicates here so far.
- MR. HERMAN: No, there aren't, Judge.
- 22 THE COURT: So I mean, this does seem to -- I mean,
- 23 there are a lot of transfers all in one day. The first fifty
- or so pages is all Bastille Day.
- 25 MR. HERMAN: The payment obligations and the timing

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₈ - 11 Pg 232 of 944

- 1 are set forth in the supply agreement.
- THE COURT: Right, it's every two weeks.
- 3 MR. HERMAN: Yes, Your Honor, they got discounts for
- 4 early payments also.
- 5 THE COURT: Okay, that's nice. So --
- 6 MS. HAFFEY: I think this wasn't one that was an exact
- 7 double, Your Honor, so it really would take somebody to go
- 8 through this one.
- 9 THE COURT: It's not an exact double.
- MS. HAFFEY: No, no, no, no, and Mr. Herman says
- 11 it is either.
- 12 THE COURT: So it's just to see whether the dates
- themselves are bundled, and if they're not bundled the
- 14 difference would be disallowed.
- MS. HAFFEY: Yes.
- 16 THE COURT: All right.
- 17 MR. HERMAN: But Your Honor, the problem is, you know,
- 18 it's very difficult to match up and given the fact that a
- 19 number of --
- THE COURT: But why is it difficult to match up? I
- 21 mean, just in this case it's like every two weeks or so, so
- it's all on one day and then two weeks later there's another
- 23 day.
- MR. HERMAN: And I can tell you my client spent quite
- 25 a lot of time trying to figure it out and couldn't figure it

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₂₉ - 11 Pg 233 of 944

- 1 out. And you know, the fact that in our position papers we
- 2 kind of spelled out that there was only eight transfers that
- 3 overlapped and it looked like there was 100 and some odd
- 4 transfers that were completely new and we got no response from
- 5 the debtors on that point.
- 6 THE COURT: No, I think -- I mean, we haven't really
- 7 turned to you yet but I think you are different.
- 8 MR. HERMAN: Okay. Judge, the data, though, as you
- 9 heard earlier, is not the kind of data that we can match up
- 10 with the data in the earlier version of the complaint because
- 11 there were numbers there that Victory Packaging doesn't
- 12 recognize that were internal numbers used by DAS on their DACOR
- 13 system. And so this --
- 14 THE COURT: Could --
- 15 MR. HERMAN: Maybe dates can match but you can't match
- invoices, you can't match antecedent debt.
- 17 THE COURT: But you can match dates and checks.
- 18 MR. HERMAN: Well, you may or may not be able to,
- 19 Judge. I don't know that yet.
- 20 MR. SAYDAH: Your Honor, on that point of matching
- 21 dates and checks -- for the record, Gilbert Saydah, Kelley Drye
- 22 on behalf of BP.
- Your Honor, I think it's important. They've said that
- 24 these are a rollup of dates. On the original --
- THE COURT: A rollout, actually.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{230} - 11 Pg 234 of 944

DPH HOLDINGS CORP., ET AL.

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1	MR. SAYDAH: What's that?
2	THE COURT: A rollout of the
3	MR. SAYDAH: Rollout, you are correct.
4	THE COURT: Right.
5	MR. SAYDAH: Your Honor, with respect to the original
6	exhibits attached, it indicates not only dates and amounts; it
7	also indicates methods of payment. It's either, for our
8	example for the BP, it was a check and EFT or a wire. That's
9	also true for the revised complaints or the proposed amended
10	complaints. But Your Honor, the amounts don't in any way match
11	up.
12	I spoke with Ms. Haffey briefly in the hallway about
13	this and I think we're in agreement; but the issue bound not
14	only by dates and amounts but also by the methods of transfer
15	identified on the original complaint.
16	In the case of Castrol down, the one transfer against
17	Castrol, about 1.5 million dollars, as identified as a check, I
18	believe, on September 26th. On the original complaint, the
19	only check identified on September 26th was for 586 dollars, I
20	believe. Thus, Your Honor, that by definition would have to be
21	a new and the other transfers on that date don't add up to
22	1.5 million. There are other wires there's a wire and an
23	EFT, but it's not just the amount and the date, it's also the
24	method of transfer that they need to bound by.

MR. THOMAN: Your Honor, this is Jim Thoman on --

25

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₁ - 11 Pg 235 of 944

- 1 representing Unifrax. I think the other complication here is,
- 2 in the original complaint they fail to allege who the transfer
- 3 is from. There's multiple entities. And that's an additional
- 4 complicating factor.
- 5 THE COURT: But that wasn't your original point. Your
- 6 original point was they didn't say who it was to, either, in
- 7 the first complaint.
- 8 MR. THOMAN: Yeah, my point is it's very difficult
- 9 to --
- 10 THE COURT: And I'm more sympathetic with that one,
- 11 frankly, since the payments are all -- I think were all alleged
- 12 to have come from DAS. But if it's -- if -- it in the original
- 13 complaint the payments were alleged to go to defendant X, and
- in the other complaint they're alleged to go to defendant Y,
- 15 then that may be a different issue. But I think that goes to
- 16 the adding a new party as opposed to adding a new transfer, a
- 17 new --
- 18 MR. THOMAN: No, they don't specify who the payments
- 19 went to at all. So my point is, trying to relate them back to
- 20 the original complaint is extremely difficult.
- 21 THE COURT: Right. Okay.
- 22 UNIDENTIFIED SPEAKER: Your Honor --
- 23 THE COURT: Well, does anyone else have that issue
- 24 besides this gentleman, where they're multiple defendants,
- where that's confusing?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{232} - 11 Pg 236 of 944

- 1 MS. HAFFEY: Well, there are other complaints, Your
- 2 Honor, where there are multiple defendants.
- 3 THE COURT: No, but in terms of figuring out -- on the
- 4 relations back issue?
- 5 I think you -- it's Unifrax right?
- 6 MR. THOMAN: Correct.
- 7 THE COURT: I think that may be sui generis.
- 8 MS. HAFFEY: Your Honor, I --
- 9 THE COURT: Because of being lumped in with BP.
- MS. HAFFEY: I'm sorry?
- 11 THE COURT: Because of being lumped in with BP.
- 12 But --
- MS. HAFFEY: I really don't see that any different
- 14 from when you have other multiple defendants. The --
- 15 THE COURT: Well it's a different entity. I mean,
- 16 it's --
- MS. HAFFEY: It's not a matter of --
- 18 THE COURT: In a sense it's like a newly added
- 19 defendant, because it's -- you're now saying who it went to.
- 20 MS. HAFFEY: But -- which is what this Court asked us
- 21 to do when we amended our complaints.
- 22 THE COURT: No, I understand, but I did -- in terms of
- 23 the relation -- I didn't deal with relation back at that point.
- 24 But before we get to the newly-added defendant point; and I
- 25 think the point there is that they're saying that they're not

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₃ - 11 Pg 237 of 944

- 1 BP, they're a different entity. It's not like it's all one
- 2 ball of wax ultimately, so there's no harm, no foul.
- 3 MS. HAFFEY: But if I could just say -- in the
- 4 original complaint -- they were named as a defendant in the
- 5 original complaint. This is not a newly-added defendant.
- 6 THE COURT: Right. But you can't really tell whether
- you're changing the transfers or not, from the new complaint.
- 8 Because -- because of that -- it's not like it all went to the
- 9 same entity.
- 10 In the old complaint, the complaint that's on file,
- 11 transfers that are listed on -- as of coming in on August 1st,
- 12 2005 in the aggregate amount of, say, a million dollars; when
- 13 you uncouple them there could be 500,000 to BP and 125,000 to
- 14 Unifrax and they're not the same -- you know, it's not -- it's
- 15 not the --
- 16 MS. HAFFEY: But they were part of the aggregate,
- 17 though, Your Honor. So they do relate back.
- THE COURT: That's why I think it's more of a sense of
- 19 a new party than -- but can we -- let's stick for a second on
- 20 the other points.
- 21 Why should I be comfortable given what I've heard from
- 22 Victory and Timken's counsel, that this is something that can
- 23 be done in a day or -- you know, a day, in terms of just
- looking at the chart and fixing it? They're both basically
- 25 saying that at the end of the day you're asking us -- you're

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₄ - 11 Pg 238 of 944

- 1 asking them to take your word for it that we really have
- 2 unbundled from the original complaint?
- 3 MR. MILIN: Your Honor, if I may?
- 4 THE COURT: Because, I mean, Timken's saying that
- 5 there really is only like an overlap on eight or so out of
- 6 the -- all of them.
- 7 MR. MILIN: Your Honor, we volunteered to provide a
- 8 reconciliation. When we've done so -- we're all in a position
- 9 to judge whether we've adequately -- whether the reconciliation
- 10 shows the requisite relation back. Otherwise we're just
- 11 talking in a vacuum it seems to me. And ultimately that
- 12 remains -- you know, when we get into the level of detail of is
- it a check or is it a wire transfer, I certainly don't think
- 14 you need to decide that today, but I sure don't think that that
- 15 defeats relationship back if ancillary details --
- 16 THE COURT: No, I think that that's probably right.
- 17 But I am troubled by the notion that this isn't -- that this
- 18 hasn't already been done; and secondly by the assertion that at
- 19 least with regard to Timken and perhaps Victory, it's not
- 20 easily done.
- I don't know -- what?
- MR. SAYDAH: And the fact that we've briefed it and
- 23 they didn't respond to it --
- THE COURT: Right. Okay. Were you going to say
- 25 something, sir, in between?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₅ - 11 Pg 239 of 944

DPH HOLDINGS CORP., ET AL.

1 Oh, thank you. Your Honor -- and I MR. SULLIVAN: 2 didn't want to jump in before you had fully clarified, but as I understand it, if on a given date in the original complaint 3 4 there was a transfer for a thousand dollars, and in the amended 5 complaint the transfer had moved to two thousand dollars, I'm 6 understanding that that doubling, at least as we've been 7 discussing it out loud here, could be easily cured according to 8 the plaintiff; and that they would go back to the lower amount? 9 THE COURT: Right. That's correct. 10 MR. SULLIVAN: Okay. I also understand that if the 11 original amount was a thousand dollars, and the 12 second -- the first amended complaint was 1,013 dollars, that 13 the plaintiff is agreeing that it would -- that it would remove 14 the thirteen dollars; that it would go back to the original 15 thousand dollar claim. 16 THE COURT: Right. 17 MR. SULLIVAN: Okay. So are -- when we're talking 18 about doubling, are we only talking about doubling that has 19 occurred on the same date or are we cross-referencing doubling 20 that might have occurred in other transactions on other dates 21 that appear on another date? 22 So for example, if there was a transfer of a thousand 23 dollars on October 1st and then the amended complaint read that 24 it was two thousand dollars, and then on October 5th you pick 25 up the fact that that same transfer was made on that date,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₆ - 11 Pg 240 of 944

- 1 would the October 1st transfer be negated? Or are we only
- 2 talking about transfers that double as --
- 3 THE COURT: Well, if the October 5th transfer is --
- 4 doesn't appear anywhere in the original complaint -- if there
- 5 was no October 5th transfer in the original complaint, then to
- 6 my mind that's a new transfer and it's -- it's time bar.
- 7 MR. SULLIVAN: All right. I mean, here's
- 8 the -- here's the other reason why I find this -- this
- 9 situation unworkable. Well, I'm going to pause for now.
- 10 THE COURT: Okay. All right.
- MR. SULLIVAN: Thanks.
- MS. HAFFEY: The hypothetical that was just
- 13 represented by counsel, I don't believe exists.
- 14 UNIDENTIFIED SPEAKER: We can't hear you.
- 15 THE COURT: Okay, but if it does exist, I -- it would
- 16 be a new transaction and wouldn't be covered by the original
- 17 complaint, so it wouldn't relate back.
- 18 MS. HAFFEY: I don't think we have any disagreement
- 19 with that, Judge.
- THE COURT: Okay.
- 21 MS. HAFFEY: I think it fits squarely with what --
- 22 THE COURT: All right.
- MS. HAFFEY: -- we've been saying in regards to --
- 24 THE COURT: So I guess the only issue I have here is
- 25 perhaps only with three complaints. Timken, Victory Packaging

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{237} - 11 Pg 241 of 944

- 1 and Unifrax.
- 2 Let's leave Unifrax for a second. What's your
- 3 response to their argument that it's too late to fix this?
- 4 MS. HAFFEY: I think you actually made our argument
- for us earlier, Judge, when you stated that we were responding
- 6 now to the opposition to the motions; and we are. In various
- 7 conversations I've had with counsel we've talked about -- and I
- 8 don't want to get into negotiation discussions, but looking at
- 9 the original complaint value, in regards to -- so I don't think
- 10 it's too late.
- 11 THE COURT: Okay.
- MS. HAFFEY: We've brought it to the Court's attention
- 13 that there were some first --
- 14 THE COURT: So -- so let's go to the second point,
- 15 which is -- we're not talking about two or perhaps three
- 16 complaints to do -- well, that is more than just a mechanical
- 17 exercise, I think.
- 18 MS. HAFFEY: I'm sorry; I didn't understand your
- 19 point.
- 20 THE COURT: Well, the Merrill complaint you showed
- 21 me --
- MS. HAFFEY: Yes.
- 23 THE COURT: -- you know, a paralegal could do that in
- about an hour, right?
- MS. HAFFEY: Hopefully, yes.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₈ - 11 Pg 242 of 944

- 1 THE COURT: Or less. Or less, I would hope. So, you
- 2 know, a couple days to do all of these except for Timken and
- 3 Victory's is probably, you know, in order. Because it's
- 4 just -- you just go through the schedule. And where it's
- 5 obvious it's obvious, then you add them up by day and you
- 6 compare them to the schedule.
- 7 MS. HAFFEY: That's correct.
- 8 THE COURT: On Timken and Victory, it's clearly going
- 9 to take longer and there's more potential for dispute, I guess,
- 10 about the outcome. But to me it still should -- I would think
- it could be done by Friday. I mean, I don't see why it
- 12 shouldn't.
- MS. HAFFEY: We'll have it done by Friday.
- 14 THE COURT: Okay. And if, you know, if the numbers
- don't match up, I think that's the end of it, as far as the
- 16 difference. The only remaining point is whether -- and this
- 17 goes I think to Unifrax's point as well. Given that the
- 18 numbers don't -- if the numbers really don't match up by a lot,
- 19 then conceivably there's something wrong with the whole
- 20 process, so that in fact these -- even the ones that are on the
- 21 same day but are quite different what would be on the -- in the
- 22 original complaint, could quite conceivably be totally brand
- 23 new. That the first complaint was just off by a lot.
- 24 So that, I mean, that issue troubles me. I don't know
- 25 what we'd do with that. It would seem to me that that -- at

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₃₉ - 11 Pg 243 of 944

- 1 that point there maybe really is just an insurmountable
- 2 plaintiff at that point.
- I don't know if that's going to happen, but
- 4 conceivably it would. I mean, that's basically what Mr.
- 5 Sullivan is telling me. Right?
- 6 MR. SULLIVAN: Correct, Your Honor. And you know,
- 7 it's still troubling to me though that they never responded --
- 8 THE COURT: Well that's a --
- 9 MR. SULLIVAN: -- and now they're asking for another
- 10 opportunity.
- MS. HAFFEY: You know, I --
- 12 THE COURT: -- I know you're troubled. But --
- MR. SULLIVAN: You can't blame me for trying, Your
- 14 Honor.
- 15 THE COURT: All right.
- MS. HAFFEY: And --
- 17 MR. SULLIVAN: But --
- 18 THE COURT: I guess I'm trying to give you all clear
- 19 guidelines for -- so that no one has to come back here for an
- 20 additional hearing on this issue. And it seems to me, you
- 21 know, if there is a big difference after you do this exercise
- between the numbers for say July 14th in the original Victory
- 23 complaint, and the numbers for July 14th after you pull out any
- 24 potential double counting in the current complaint, then it --
- 25 I don't see how you're going to show that's the same

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₀ - 11 Pg 244 of 944

- 1 transaction. Because they're just so different at that point.
- MR. MILIN: Your Honor, with that said the plaintiffs
- 3 cannot carry their burden on the motion to amend today, until
- 4 at least they finish that task.
- 5 THE COURT: Yeah, I think that's right.
- 6 MR. MILIN: And secondly, Your Honor, you want to
- 7 be -- please be very specific on what they have to produce and
- 8 how they're going to match -- match, you know, the first chart
- 9 to the second chart so that -- somewhat can follow it, so we
- don't get numbers again that have no meaning.
- 11 THE COURT: No, I am assuming it would have to be --
- MS. HAFFEY: By date --
- 13 THE COURT: -- I guess a blackline. You know, a
- 14 melding of the two charts. I -- you tell me.
- 15 MR. SULLIVAN: The only think I can think of, Your
- 16 Honor, if they say what they did is they broke out transactions
- 17 out of the first chart, they can list the transactions from the
- 18 first chart and then list underneath it all the transactions in
- 19 the second part that are components of the transactions listed
- 20 on the first chart.
- 21 THE COURT: Yeah, I quess --
- MS. HAFFEY: I think that's right.
- THE COURT: Okay.
- 24 MR. SULLIVAN: That's the only way to do it.
- 25 THE COURT: All right. That makes sense. Although

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₁ - 11 Pg 245 of 944

- 1 you -- you know, one would be in red and one would be in blue.
- 2 MR. MILIN: One could be in red and one could be in
- 3 blue and the orphans could be in green.
- 4 THE COURT: Okay.
- 5 MR. MICHAELSON: Your Honor, if I may be heard. There
- 6 are a lot of capable voices -- this is Robert Michaelson for
- 7 NXP. There are a lot of capable voices arguing this point, and
- 8 I patiently listened.
- 9 Just so there's no mistakes concerning my client's
- 10 positions, which are similar to Mr. Sullivan's and Mr.
- 11 Hermann's to a somewhat lesser degree, okay --
- 12 THE COURT: Okay.
- MR. MICHAELSON: -- compared to our large network.
- 14 THE COURT: All right. Well maybe I should give the
- debtors until Friday to every one of these.
- 16 MR. MICHAELSON: Right. I just wanted to make sure
- 17 that you were aware that the debtor is aware that we felt we
- 18 were --
- 19 THE COURT: All right. As opposed to distinguishing
- 20 between people and say some should be done by tomorrow, and
- 21 some should be done by, you know -- why don't we have everyone
- 22 be done by Monday?
- MS. HAFFEY: You read my mind, Your Honor.
- 24 THE COURT: All right.
- 25 MS. HAFFEY: We're out traveling until tomorrow --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₂ - 11 Pg 246 of 944

- 1 THE COURT: All right.
- 2 MS. HAFFEY: So I was going to ask for Mon --
- 3 THE COURT: Yeah, everyone done by Monday.
- 4 MS. HAFFEY: Thank you.
- 5 THE COURT: But -- can I go back to Unifrax now?
- 6 I -- Unifrax's position, as I understand it, is that it's
- 7 lumped in with the BP entities, when it really shouldn't be.
- 8 And because of that it can't really sit down and review these
- 9 numbers in the way that we've just described, because it would
- 10 basically have to sit down with BP to do that. Am I right? Is
- 11 that really the point?
- MR. THOMAN: Yes, Your Honor. It -- because they
- 13 failed to allege who the transfers went to, either a BP entity
- or Unifrax in the original complaint; and now in the amended
- 15 complaint they -- they've -- you know, some go to BP entities,
- 16 some go to Castrol, some go to Unifrax.
- 17 THE COURT: Well if they do the same exercise and
- 18 provide that information at the same time to you and BP, so you
- 19 can see that they're not doing the same thing with each one --
- 20 I mean, or doing different things with each one, then doesn't
- 21 that solve that problem?
- 22 MR. THOMAN: If --
- MS. HAFFEY: And we would do that, Your Honor.
- 24 MR. THOMAN: If Your Honor's willing to give them
- another bite at the apple I suppose it could.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₃ - 11 Pg 247 of 944

- 1 THE COURT: Okay. All right. I think that's what
- 2 should happen.
- We still haven't dealt with adding new defendants,
- 4 though. Like Castrol, for example.
- 5 MR. SULLIVAN: Correct, Your Honor. I was just also
- 6 seeking clarification with respect to that the blackline will
- 7 also line up methods of payment by day. So on a certain day,
- 8 EFT's will be lumped, wires will be lumped, checks will be
- 9 lumped.
- 10 THE COURT: Well, why does that matter if the amounts
- 11 are the same?
- MR. SULLIVAN: Well, Your Honor, in our case it -- the
- 13 amounts are vastly different, but -- Your Honor, it goes to the
- 14 basis of what their original assertion was in the original
- 15 complaint.
- 16 THE COURT: No, but if the amounts that were received
- in the aggregate for that day are the same, what -- I mean,
- 18 it's the fact that the -- it's the fact that the money was
- 19 paid, no how it was paid, that ultimately counts, right?
- MR. SULLIVAN: You're --
- 21 THE COURT: I mean, I would think that the same
- 22 transaction requirement is never altered for relation back,
- just because complaint one said got a check and complaint two
- 24 said a wire transfer. I mean, it's essentially -- it's a
- 25 payment, ultimately.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₄ - 11 Pg 248 of 944

DPH HOLDINGS CORP., ET AL.

- MR. SULLIVAN: It is a payment, Your Honor, but in the original complaint it was identified as a distinct item, or a distinct type of payment, whereas here they're changing that.

 So it doesn't relate back to that.
 - When they've gone out of their way in their original complaints to specify wire, EFT or check, that should still correspond back and be one of the items that relates back.

 MS. HAFFEY: And we would agree with you Judge, that there's not a -- the requirement to have to plead that we added
- onto the exhibit to deprive it -- to provide more additional information to benefit the supplier -- the defendant group to identify these payments, but whether it said wire or EFT the first time, and now it says EFT, I mean, there's --
- MS. HAFFEY: -- they're just frankly the same types of payments.

THE COURT: I think it's the --

14

- THE COURT: I think it's the payment -- look. If it's
 a different amount -- if the complaint lists 125 transfers,
 where before on that same day they aggregated as 1, but the
 aggregate amount is the same, I don't think it matters that in
 the first complaint it said check and in the latter complaint
 it said ETFs. It's a payment made on that day. I mean, it -
 MR. SULLIVAN: I understand, Your Honor.
- THE COURT: I just think it's a -- I mean, it's
 different, I think, qualitat -- quantitative -- qualitatively,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₅ - 11 Pg 249 of 944

- 1 than materially, saying you know, it was a diff -- it doesn't
- 2 matter how the transfer was made, it's that there was a
- 3 transfer.
- 4 On the other hand, if it looks like it was a different
- 5 amount that was paid that day, then it may be relevant.
- 6 MR. SULLIVAN: Your Honor, I --
- 7 THE COURT: I mean, for the debtors to try to show the
- 8 other side, but I think you're -- you don't even need it then.
- 9 It doesn't matter if they made it -- if they paid a thousand
- dollars on day one by check and they say that they paid two
- 11 thousand dollars on day one now by check. The fact that it was
- 12 made by check doesn't matter. It's still very -- over a
- 13 thousand dollars -- there's a problem.
- MR. SULLIVAN: Correct, Your Honor. It's just -- our
- 15 concern is that in the original complaint it said there was a
- 16 check on a certain date for 500, and now it says there's a
- 17 check on that date for 1.5 million.
- 18 THE COURT: Well, that's a problem. But that's
- 19 because --
- 20 MR. SULLIVAN: It is.
- 21 THE COURT: -- there's a difference between 500 and
- 22 1.5 million --
- MR. SULLIVAN: Correct, Your Honor.
- 24 THE COURT: -- not because one was a check and one was
- an ETF.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₆ - 11 Pg 250 of 944

- 1 MR. SULLIVAN: But there are also ETFs on that day and
- 2 a wire that add up, I think, to 1.1 which again, there is still
- 3 a 400,000 dollar problem but.
- 4 THE COURT: Okay. All right. Well, again, if there's
- 5 a material difference, if we're not talking about, you know,
- 6 pennies here, but if there's a material difference then I think
- 7 we're in the realm of what Mr. Sullivan is saying which is we
- 8 can't trust that you really are unbundling and I think that's a
- 9 real problem for the debtors in terms of relation back.
- MR. MILIN: Your Honor, we understand what -- that we
- 11 need to provide a reconciliation and I'll repeat what I said
- before that until that happens we're talking in the abstract --
- 13 you know, the Rule 15 relationship back standard's fairly well
- 14 developed in the law.
- 15 THE COURT: Okay. But I can't -- I cannot -- I will
- 16 hold off on my ruling on the relation back issue until -- well,
- 17 you need time to review it -- till next Friday a week from
- 18 today. So, you'll get this information by Monday and we'll
- 19 check with people on Thursday as to whether I should rule or
- 20 not.
- 21 If you all want to submit -- I mean my hope is that
- 22 everyone will reach agreement that may well be a vain hope for
- 23 a lot of people but if you need a ruling and you need more time
- then I'll delay it further but I guess I want a reality check
- 25 by next Thursday and then we'll contact the parties then.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₇ - 11 Pg 251 of 944

- 1 It would be useful, therefore, to have for the debtors
- 2 a list of all of the objectors who have raised the relation
- 3 back point so that we know who we're dealing with here. So,
- 4 you all should give that information to the debtors. Not
- 5 everyone raised this point. All right. So, I would assume by
- 6 the end of the day tomorrow you'll have alerted the debtors'
- 7 counsel to the fact that you raised this issue in your
- 8 pleadings and point them to where you raised it so they'll have
- 9 your contact information, can send you the chart they're going
- 10 to assemble, the reconciliation. Okay? All right.
- MR. MILIN: Your Honor, a few other relation back
- issues and you've mentioned the defendant relationship back.
- 13 First, some confusion on our end. We thought there was a
- mention of Castrol or a Castrol entity.
- 15 THE COURT: Right.
- 16 MR. MILIN: I'm looking at the complaint and the first
- 17 amended complaint and the captions look the same. Perhaps I'm
- 18 missing something.
- 19 THE COURT: Right. I thought BP alleged that they
- 20 added Castrol. Maybe I was wrong.
- MR. MILIN: I can -- there are defendants who've
- 22 raised the issue. The one that I know of standing here is
- 23 Wells Fargo so the issue arises. I just don't see that it's a
- 24 Castrol.
- THE COURT: Okay. Did I read that wrong?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₈ - 11 Pg 252 of 944

- 1 MR. SULLIVAN: Your Honor, for clarification, I don't
- 2 believe that we asserted that Castrol was added.
- 3 THE COURT: Okay.
- 4 MR. SULLIVAN: I think it came out of the confusion
- 5 with Unifrax saying it's like Your Honor's comment.
- 6 THE COURT: Okay.
- 7 MR. SULLIVAN: It was like adding another.
- 8 THE COURT: All right. So are we just -- who are
- 9 dealing with, then, as far as the objectors on the new parties
- 10 issue? New defendants?
- MR. SULLIVAN: Your Honor, actually, can I throw in
- one more additional wrinkle?
- 13 THE COURT: Okay.
- MR. SULLIVAN: On the BP Unifrax there's also a
- 15 defendant BP Microsystems which isn't affiliated with BP and
- 16 they're listed as resolved.
- 17 THE COURT: Okay.
- MR. SULLIVAN: So, there's --
- 19 THE COURT: Right.
- 20 MR. SULLIVAN: -- three entities that need to be
- 21 broken out.
- 22 THE COURT: Right. That's right. You need to carve
- them out of these transfers.
- MR. SULLIVAN: And I'm curious because the agenda
- 25 actually shows that Unifrax is resolved so I need to call Mr.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₄₉ - 11 Pg 253 of 944

- 1 Thoman and see why he's on the phone still but --
- 2 MR. THOMAN: I can assure you we are not resolved.
- MR. WURST: Good afternoon, Your Honor, Ruskin Moscou
- 4 Faltischeck, Jeff Wurst on behalf of Wells Fargo Bank. We are
- one of two Wells Fargo issues that are here today. We're
- 6 seated with our colleagues who are here for another division of
- 7 the bank but we are the group that falls into this category
- 8 originally named -- the original complaint names our defendant
- 9 as Wells Fargo Business and Wells Fargo Minnesota. The
- 10 amended complaint names us a Wells Fargo Bank, N.A. So, just
- 11 to preserve that issue on the record, I'll bring it forward
- 12 now.
- THE COURT: Okay.
- MR. MILIN: May I respond, Your Honor?
- 15 THE COURT: Yes.
- 16 MR. MILIN: It's pretty straightforward. Wells Fargo
- 17 did object and they rely on the case of Schiavone v. Fortune,
- 18 477 U.S. 21 and they argue that the rule, being Rule 15, and
- 19 they're quoting Schiavone "Does not allow an amendment to a
- 20 complaint that adds dependents who are not named originally due
- 21 to a lack of knowledge on the part of the plaintiffs as the
- 22 lack of knowledge."
- 23 A year ago, the Supreme Court decided Krupski v. Costa
- 24 Crociere. That's K-R-U-P-S-K-I and C-O-S-T -- excuse me;
- 25 C-O-S-T-A, separate word, C-R-O-C-I-E-R-E, 130 Supreme Court

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₀ - 11 Pg 254 of 944

- 1 2485 (2010).
- THE COURT: All right.
- 3 MR. MILIN: Schiavone is now bad law.
- 4 In Krupski the Court hold -- held the question under
- 5 Rule 15(c)(1)(C)(ii) is not whether Krupski knew or should have
- 6 know of the identity of the new defendant as the proper
- 7 defendant but whether the new defendant knew or should have
- 8 known that it would have been named as a defendant but for an
- 9 error.
- Rule 15(c)(1)(C)(ii) asks what the prospective
- defendant knew or should have known during the Rule (4)(m)
- 12 period not what the plaintiff knew or should have known at the
- 13 time of filing her original complaint. And so Wells Fargo
- 14 argument is simply cites the wrong legal standard and they
- 15 don't address the issue under the right legal standard. And
- 16 clearly when plaintiffs -- when the debtors originally
- 17 inadvertently apparently named divisions or BBAs of Wells Fargo
- instead of the actual Wells Fargo, we were mistaken as to the
- 19 name of who we were paying money to.
- The transactions were identified when clearly Wells
- 21 Fargo was in a position to know that we were complaining about
- transactions that we filed then and under Krupski that's the
- 23 relevant question.
- 24 MR. WURST: Counsel raises some very interesting
- 25 points, however, if we take a look at what Wells Fargo knew or

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₁ - 11 Pg 255 of 944

DPH HOLDINGS CORP., ET AL.

- 1 should have known the fact is that at the time the case was 2 commenced and at the time that -- years -- years later when Wells Fargo was served with the complaint, Wells Fargo knew 3 4 nothing about the Delphi case. Wells Fargo did not provide 5 goods nor services to this debtor. It was simply a factor to a 6 company that provided goods or services to the debtor; a 7 company that is -- a company or two companies that are long 8 defunct. So, we'll get to those issues, that was the other 9 point I would raise, when we get to prejudice which Your Honor 10 raised much earlier this morning. But at the time the 11 complaint was filed and at the time the complaint was served 12 some years la -- two and a half years later, Wells Fargo did not know about the existence of the Delphi bankruptcy, they had 13 14 no reason to. So, the burden really is on the debtor to have 15 gotten his facts straight. They were the ones making the payment to Wells Fargo for the account of the defunct account 16 17 debtor but -- Wells Fargo's account debtor or facted client. 18 So, I don't necessarily buy counsel's argument. 19 MR. MILIN: Your Honor, it's not part of my argument, 20 it's part of the Supreme Court's decision in Krupski which 21 makes clear what the pertinent issue is. That is --22 THE COURT: But counsel is basically saying they 23 didn't know anything about the complaint whether there was a
- MR. MILIN: Well, I guess I'm confused. If, in fact,

mistake or not because they didn't see it.

24

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₂ - 11 Pg 256 of 944

- 1 the claim is that we named -- we filed a complaint against
- 2 Wells Fargo Business and Wells Fargo Minnesota and the current
- 3 defendant knew absolutely nothing about it at that time, I find
- 4 that perplexing and I suppose it's a fact issue.
- If the argument -- I think what the argument is is
- 6 simply repackaging an issue that isn't up today which is the
- 7 alleged prejudice that flows from the procedural history of
- 8 this case. And if that's the case, I think that's for another
- 9 day.
- 10 THE COURT: Okay. I guess the -- I understand the
- 11 latter point. I just want to go back though -- just a second.
- 12 (Pause)
- 13 THE COURT: I guess ultimately is the mistake
- 14 versus -- well, is the knowledge of -- the plaintiff here, I
- 15 think, is largely irrelevant on this -- under these particular
- 16 facts, right.
- 17 MR. MILIN: Well, I think under Krupski, yes.
- 18 THE COURT: Because there was nothing that the
- defendant knew at all so it wouldn't be relevant.
- MR. MILIN: Well, I --
- 21 THE COURT: The focus is on what the defendant would
- 22 have taken away from the filing. Since the defendant didn't
- 23 see the filing it wouldn't have taken anything away from it.
- 24 It wouldn't have garnered any information from it at all
- 25 because it didn't have it.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₃ - 11 Pg 257 of 944

- DPH HOLDINGS CORP., ET AL. 1 That Krupski puts the focus on what's the debt the defendant garners by way of information from the inaccurately 2 3 named defendant in the complaint. There was nothing for the 4 defendant here to take away from the inaccurately named 5 complaint because it didn't have it. 6 Well, I guess I don't understand that. MR. MILIN: 7 THE COURT: So, I'm saying it's irrelevant. That 8 factor doesn't seem to fit into this analysis at all at this 9 point. 10 MR. MILIN: I think for the first time today I'm not 11 following. 12 All right. Well --THE COURT: 13 MR. MILIN: Let me try it again. 14 THE COURT: Okay. 15 MR. MILIN: The question under Krupski is whether when 16 Wells Fargo Business and Wells Fargo Minnesota received a 17 complaint whether Wells Fargo recognized that we're the legal 18 entity not these other names on the complaint and so we're the 19 intended defendant.
- 20 The fact that Wells Fargo upon realizing that
 21 someone's intending to sue us said we don't understand what
 22 we're being sued for is not the question under relation back.
- 23 I mean assuming for sake of argument that that was their
- 24 reaction. I mean when you -- you know, again, I find it
- 25 hard -- first of all, I didn't hear counsel for Wells Fargo say

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₄ - 11 Pg 258 of 944

- 1 but in any case I certainly find it perplexing that when they
- 2 got the complaint that they didn't understand that it was the
- 3 legal entity and not the incorrectly named nonlegal entity that
- 4 was intended to be sued in this lawsuit.
- 5 THE COURT: Okay. Well, all right, I understand that.
- 6 So, when they ultimately learned of the complaint, you're
- 7 saying that their understanding was that they were the ones who
- 8 were meant to be sued?
- 9 MR. MILIN: Um-hum.
- 10 THE COURT: Okay.
- MR. MILIN: And I think that's the question that
- 12 matters under Krupski.
- THE COURT: So, what's the response on that?
- MR. WURST: As much as those of us related to finance
- 15 consider Wells Fargo to be a great trade name if we Google --
- 16 well, maybe not Google because Wells Fargo pays a lot of money,
- 17 I'm sure, to be well-recognized, if you look on a -- in the
- 18 proverbial Yellow Pages or White Pages, there are many
- 19 different Wells Fargos. My home alarm company happens to be a
- 20 company called Wells Fargo Alarms. So, there are many
- 21 businesses around the country that are named Wells Fargo --
- 22 THE COURT: But in terms of ones that have
- 23 relationships with Delphi?
- MR. WURST: Well, the problem, Judge, --
- 25 THE COURT: And is --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₅ - 11 Pg 259 of 944

- 1 MR. WURST: -- is that Wells Fargo, you know, is a
- 2 pretty big bank and its relations with Delphi were real small.
- 3 It took an incredibly long time for the people crunching
- 4 through the computers to find what the nexus was.
- 5 THE COURT: To me --
- 6 MR. WURST: So -- I do want to respond to counsel's
- 7 comment that we did not address this paragraph 63 of our
- 8 papers. It does address it. I'm not going to take your time
- 9 of -- because too much time has been taken on side stuff but we
- 10 do address it, we do address the legal standards, we do address
- 11 Anderson against Allstate and Thurman. So, I'll leave
- 12 paragraph 63 of our brief to respond to that but --
- 13 THE COURT: Do you -- I guess my --
- MR. WURST: -- the fact is it was not an easy find.
- 15 THE COURT: But I -- to me I think that's a fact issue
- 16 that we need to develop in a hearing along with prejudice.
- 17 MR. WURST: It still comes down to notice issue. And
- 18 again, what makes Wells Fargo different from others is that if
- 19 we look at the service of process they were not served with any
- 20 motion, they were not served with any of the extension motions,
- 21 any of the 4(m) motions --
- 22 THE COURT: All right. But that --
- MR. WURST: -- they were not served with the plan of
- 24 reorganization --
- THE COURT: Right.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₆ - 11 Pg 260 of 944

- 1 MR. WURST: -- with the disclosure statement. They
- 2 had no notice of these proceedings until April of 2010 when
- 3 they were served with this complaint.
- 4 THE COURT: All right. Okay.
- 5 So, that issue is still -- the issue of relation back
- 6 here is still a live issue. It needs to be developed on the
- 7 facts as far as Wells Fargo is concerned.
- 8 MR. MILIN: Okay. And, Your Honor, I believe those
- 9 are the only relation back issues that relate to the complaint.
- 10 Obviously, if there's a further amended -- relate to the
- 11 pending amended complaint a further amendment is allowed,
- there's hypothetical other issues that might arise but I assume
- 13 you don't want to hear hypothetical other issues.
- 14 THE COURT: Okay. All right.
- 15 Okay. So, what remains? Are we at the fourth
- 16 extension challenge or are there other issues still on the
- 17 motion to amend?
- 18 MS. HAFFEY: I believe so, Your Honor.
- 19 MR. SULLIVAN: Your Honor, James Sullivan counsel for
- 20 Timken. I don't know if now is the time you want to address it
- 21 but with respect to futility, we still have the issue that the
- 22 debtors did not comply with Your Honor's directives at the
- 23 December 17th hearing to brief individualized issues.
- 24 THE COURT: Well --
- 25 MS. HAFFEY: And then again, I thought we --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₇ - 11 Pg 261 of 944

- 1 THE COURT: I think we've dealt with that.
- 2 MR. SULLIVAN: Maybe I came back late from the
- 3 bathroom and I apologize, Your Honor.
- 4 THE COURT: Well, to br -- I mean there are factual
- 5 issues that I've given them until -- specific dates to deal
- 6 with.
- 7 MR. SULLIVAN: Did you deal with dates on the
- 8 calendar?
- 9 THE COURT: Yes.
- 10 MR. SULLIVAN: Okay. So, I must have been in the
- 11 bathroom. I apologize.
- 12 THE COURT: I don't think you were. I was looking
- 13 right at you.
- MR. SULLIVAN: I have no dates written in my -- in
- 15 my --
- 16 THE COURT: I said by next Monday they have to provide
- 17 the charts and we'll check with the lawyers who give counsel
- 18 their names as to the different amounts by -- on Thursday to
- 19 see if I should be ruling or not.
- 20 MR. SULLIVAN: Well, on relation back, Your Honor, I'm
- 21 talking about other issues like laches and judicial estoppel
- 22 and other kinds of arguments that were briefed and that you
- ordered them to be briefed and they decided not to.
- MS. HAFFEY: Then again --
- THE COURT: Well, let me turn to my order.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₈ - 11 Pg 262 of 944

- 1 MR. SULLIVAN: Well, it was in the transcript. It
- 2 wasn't in the order, Your Honor. It was in the December 17th
- 3 hearing. And in the Togut sur-surreply, they basically
- 4 acknowledged that since your December 17th oral ruling was not
- 5 in the order they decided that they -- that they felt it was
- 6 optional whether or not they wanted to comply with it. That's
- 7 basically what the Togut sur-surreply replies said.
- MS. HAFFEY: Well, that --
- 9 THE COURT: Well, I think that's a good point. I
- 10 mean, the order governs this.
- MS. HAFFEY: I would not agree that that is the
- reorganized debtors' position at all, Your Honor.
- THE COURT: Well, all right.
- MS. HAFFEY: We think the hearing, this Court made
- 15 clear that what we were dealing with today were the Twombly
- 16 Iqbal pleading standards.
- 17 THE COURT: Well, that's what my order -- that's why I
- 18 said I think the order governs. Well, the two orders. There's
- 19 the December one and there's the --
- MS. HAFFEY: The Dec -- the September 7th --
- 21 THE COURT: -- and there's the September one.
- MS. HAFFEY: Right.
- 23 THE COURT: And I think neither of them requires a
- 24 pleading on laches.
- 25 MR. SULLIVAN: Well, your December 17th -- if during

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₅₉ - 11 Pg 263 of 944

- 1 the status conference on December 17th and we briefed it my 2 surreply and I quoted all the relevant provisions in your -in -- from the transcript, you know, I personally would take an 3 oral direction during a hearing from Your Honor as being an 4 5 order. Perhaps it wasn't reflected in the order but I wouldn't 6 view that as being an optional kind of thing which I could so 7 cavalierly disregarded, Your Honor. That's just my thought. 8 (Pause) 9 MR. SULLIVAN: If you look in my surreply that I --10 THE COURT: No, I'm rea -- I'm looking at it right 11 now. 12 MR. SULLIVAN: It's at the bottom of page 2. 13 MS. HAFFEY: If I can remind the Court this morning, I pointed the Court to paragraph -- one of the paragraphs is 14 15 32nd -- 36, excuse me, where this Court said, "I understand 16 that people like to have a complete resolution on that 17 particular claim. But I don't think that can happen on an 18 omnibus basis. What could happen is an analysis of the amended 19 complaint, whether it's on its face it's unlikely to succeed 20 and/or fail on the Twombly Iqbal standards, and that's already 21 been briefed. And it's quite possible that by the time the 22 hearing on the 17th is over we'll be down to, just as we've already come down to in the claims that were issued this 23 24 summer, to a smaller amount."
- 25 And what the Court was talking about there is there

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₀ - 11 Pg 264 of 944

- 1 are -- were remaining issues from the July -- excuse me --
- 2 yeah, it's the July hearing. And the question was whether or
- 3 not we were going to be discussing laches prejudice at this
- 4 hearing. And the determination, it was our understanding, that
- 5 that was not going to be the case.
- 6 THE COURT: I don't -- I don't think that you could --
- 7 MR. SULLIVAN: I have the transcript.
- 8 THE COURT: -- I don't think you can default on the
- 9 basis of this. I mean, we set up what would be at issue in
- 10 this hearing. I don't --
- MR. SULLIVAN: Right, but there was a long discourse
- 12 about whether or not we were going to require them to brief all
- the issues, but we thought it would help lead to a resolution
- of the process even if we weren't going to be having
- 15 individualized hearings at today's hearing, Your Honor. And
- 16 you know, certainly --
- 17 THE COURT: Well, that's not on page 2 of your motion,
- 18 that long discourse.
- MR. SULLIVAN: Pardon me? I didn't quote the whole
- 20 discourse, Your Honor. But I thought that that was enough of
- 21 it for you to get the flavor. But --
- 22 THE COURT: It's not. It doesn't say anything about
- 23 briefing.
- 24 MR. SULLIVAN: Well, I have the transcript, Your
- 25 Honor. You can probably go back a page or two on it to

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₁ - 11 Pg 265 of 944

- 1 probably to get the flavor of it. If you'd like, I can quote
- 2 it. But that was the briefing why you ordered them to brief
- 3 all these issues, because it was going to help --
- 4 THE COURT: Where's the order?
- 5 MR. SULLIVAN: -- resolve all the issues.
- 6 THE COURT: I don't -- what order?
- 7 MR. SULLIVAN: I meant the oral -- I'm sorry, I
- 8 probably --
- 9 THE COURT: All right, why don't you show me the
- 10 section of the transcript that you're referring to? Clearly,
- 11 this supplemental objection just doesn't cut it on that. It
- just doesn't say that on page 2.
- MR. SULLIVAN: Your Honor, if you look at the brief, a
- 14 surreply that the Togut firm's filed, basically acknowledged --
- 15 THE COURT: I'm trying to figure out what you wrote.
- 16 I just don't see it. It's not on page 2. There's nothing
- about directions from me to brief anything.
- 18 MR. SULLIVAN: Okay, the quoted language -- you know,
- 19 I think this goes not, but I guess --
- THE COURT: They've already dealt with the laches
- 21 issues. They've basically said there's no laches --
- MR. SULLIVAN: Your Honor --
- 23 THE COURT: -- because they're relying on my 4(m)
- 24 orders. It's already -- I told people in September or actually
- 25 in July when we had the argument. You don't have to brief any

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₂ - 11 Pg 266 of 944

- of this all over again. It's already in the record; your
- 2 positions and their positions on 4(m). And laches is just, you
- 3 know, a tail of that.
- 4 MR. SULLIVAN: Well, it's just one of the issues. I
- 5 mean, I think if you call the defendants here, I think they
- 6 would all probably -- what they took away from it, Your Honor,
- 7 was that they were going to have to brief all the issues. And
- 8 even the Togut firm, when they submitted the tertiary reply,
- 9 they basically acknowledged the fact that, you know, your
- 10 directive -- they acknowledged that your directive required
- 11 them to brief these issues, but yet they felt --
- 12 THE COURT: Well, you have a chart. It says
- 13 antecedent debt. We dealt with that. Not more than Chapter 7;
- 14 we dealt with that. Transfer from a non plaintiff; we dealt
- 15 with that. Rule 15 relation back, alleged transfers on account
- of assumed contracts, and alleged transfers on account of
- 17 previously released claims; we dealt with all of these things
- on your chart, none of which is laches.
- 19 MR. SULLIVAN: Your Honor, I have a second chart on
- 20 there as well. And at the bottom, I have a footnote. It says
- 21 this charts lists some but all -- but not all of defendants'
- 22 objection to which plaintiffs failed to respond.
- 23 Additionally, for example, at least forty defendants
- raised laches to which plaintiff acknowledged by footnote, they
- 25 failed to address.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₃ - 11 Pg 267 of 944

- 1 THE COURT: They're already addressed it. They -- we
- 2 dealt with this last summer.
- 3 MR. SULLIVAN: They never specifically
- 4 individualized -- addressed the argument that Timken raised.
- 5 That's for sure, Your Honor.
- THE COURT: It's the same point.
- 7 MR. SULLIVAN: They never responded, Your Honor, and
- 8 they didn't respond a month -- a year ago --
- 9 THE COURT: Their response is they got an order.
- 10 MR. SULLIVAN: -- and they didn't respond -- Pardon?
- 11 THE COURT: Their response is they got four orders,
- 12 and I said that issue is still a live issue.
- MR. SULLIVAN: My -- the present argument has nothing
- 14 with the four extension orders, Your Honor. They were supposed
- 15 to respond to each individualized argument that --
- THE COURT: No.
- 17 MR. SULLIVAN: -- the defendants raised --
- 18 THE COURT: What is -- just briefly. What is your
- 19 laches argument?
- MR. SULLIVAN: The primary issue, dealing with is
- 21 prejudice, is the fact that the -- at or about the time that
- the preference action was brought, Timken had just sold its
- 23 claim for 102 cents on the --
- 24 THE COURT: We dealt with that. It's on the
- 25 transcript. I read it yesterday. I reread the July

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₄ - 11 Pg 268 of 944

- 1 transcript, and we dealt with that issue then. There's no
- 2 reason why they had to respond to it again. We dealt with it.
- 3 Remember?
- 4 We had the whole talk. Why would someone buy your
- 5 502(h) for more than a hundred cents on the dollar when it
- 6 presumes that there's been a preference, and therefore showing
- 7 that there's less recovery? We went through all that.
- 8 MR. SULLIVAN: Your Honor, then I'm not sure what the
- 9 quoted language deals with. Why would they have to respond
- 10 with a few --
- 11 THE COURT: Well, all right. Give me the quoted
- language, because the language you've quoted on point 2 just
- doesn't say that. Just give me the transcript section that
- 14 you're relying on.
- 15 MR. SULLIVAN: Okay. It's on page 40 --
- 16 THE COURT: No, no. I -- you're going to have to --
- 17 just give me the section of the transcri -- give me the
- 18 transcript's pages that you're relying on, because --
- 19 MR. SULLIVAN: Your Honor, this counsel behind me are
- 20 asking if we can get, like, a couple of minutes break so we
- 21 could kind of maybe highlight the language for you. Would that
- 22 be a --
- 23 THE COURT: Why don't just someone gi -- I could read
- 24 it while you're highlighting. Someone give me a copy of it. I
- 25 mean, I know it's here because someone gave me their version of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₅ - 11 Pg 269 of 944

- 1 it --
- MS. HAFFEY: I did, Your Honor.
- 3 THE COURT: -- several hours ago.
- 4 MS. HAFFEY: Now, I'm having trouble finding it,
- 5 because I don't happen to have --
- 6 THE COURT: Right. Wait a minute. Wait a minute. I
- 7 know it's here somewhere, actually. And it should be loose.
- 8 I'll take a look.
- 9 (Pause)
- 10 MR. SULLIVAN: Your Honor, I guess -- here's a copy of
- 11 the transcript. And it really -- the discussion really starts
- on page 40. I only quoted direct -- what I thought was the key
- language on page 42.
- MS. HAFFEY: And it actually --
- MR. SULLIVAN: Start on page --
- MS. HAFFEY: -- starts earlier.
- 17 MR. SULLIVAN: -- 40 just to give a little bit of
- 18 background.
- MS. HAFFEY: It actually starts on page 38. Would you
- 20 like a copy, Your Honor? We have another --
- 21 THE COURT: No, I'm just -- I'm sure I'm completely
- 22 compulsive here. I just hate things seemingly evaporate when I
- 23 know they were handed to me, but you've given me the new --
- another copy. So let me take a look here.
- 25 (Pause)

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₆ - 11 Pg 270 of 944

- 1 THE COURT: Okay. I still -- I'm still not -- don't
- 2 understand your point, Mr. Sullivan.
- 3 MR. SULLIVAN: I mean, Your Honor, even Togut, in
- 4 their --
- 5 THE COURT: No, no, no. Let's skip what Togut said,
- 6 okay? He -- first of all, the counsel from Togut here
- 7 disagrees with you about what he said. But, I mean, we're
- 8 talking about -- starting on page 39, Mr. Winsten says well, my
- 9 concern, Your Honor, is that Delphi is only filing an omnibus
- 10 brief on the few global issues in advance of February 17 and is
- 11 not responding to the individualized issues that have been
- 12 raised by each of the defendants that we really aren't
- 13 advancing the ball in terms of getting these cases resolved.
- Okay, and then I say after he repeats himself well, I
- 15 need to -- I need to distinguish what you're referring to as
- 16 the individualized issues. If they're issues about notice, I
- 17 think we've already addressed that. If they're issues about
- 18 the merits or the preference claim; he says yes. I say you
- 19 know, I guess I have a hard time dealing with that except with
- 20 regard to assumed contracts and the solvency issue that you've
- 21 raised in an omnibus hearing.
- Oh, no, Your Honor, I'm saying something else, he
- 23 says. I'm not saying that the case-by-case gets dealt with on
- 24 February 17th. What I'm saying instead is this: I'm
- 25 suggesting, in fact urging, that Delphi be required in each of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₇ - 11 Pg 271 of 944

- 1 these seventy-seven cases to respond to all of the arguments
- 2 raised by each of the defendants, including the case-by-case.
- 3 And you know they can file an omnibus on the few
- 4 global issues, but there ought to be individualized briefs in
- 5 each -- on each issue, forcing them to focus on these cases
- 6 because at some point we're going to have a case-by-case
- 7 hearing. And so, they're going to have to do it in any event.
- 8 And I think it would be a very positive event.
- 9 So then I say well, can you give me a couple of
- 10 examples on specifically what you're talking about? Sure. On
- 11 Affinia, for example, they're suing Affinia for five million.
- 12 And on three of the five million, the antecedent box is blank.
- On the rest of them, all they've put in as evidence of the
- 14 antecedent debt is the check they claim they used to pay the
- 15 transfer.
- And then here's the key lang -- this is -- this is it.
- 17 The Court: but those are -- that's covered by the Twombly and
- 18 Iqbal points. I'm assuming they're going to respond on each of
- 19 those, the individual points relating to Twombly and Iqbal and
- 20 whether they're pleading on its face is right or not. And then
- 21 he says if they're going one omnibus brief, Your Honor, I tend
- 22 to think they're not.
- 23 And then I say well, I would think they would have to.
- 24 They're doing an omnibus brief, but they're going to have to
- 25 carve out two -- outer two on each of these points, but these

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₈ - 11 Pg 272 of 944

- 1 points are the ones that go those issues, not facts issues like
- 2 laches.
- 3 MS. HAFFEY: That was our understanding, Your Honor.
- 4 THE COURT: I mean, I -- and then Ms. Calton, also for
- 5 Affinia, makes a similar point about different plaintiffs and
- 6 different transfers and different debtors. And then I say no,
- 7 I -- but again, we're talking about -- I'm sorry, maybe this
- 8 terminology is misleading people. And that's where I get into
- 9 the language you quote.
- But we're talking about whether the face of the
- 11 complaint works, not whether they've done something like
- 12 laches.
- MR. SULLIVAN: Right, I saw the -- you're talking
- 14 about -- there's two issues; a and b. A is one that has the
- 15 most -- for the purposes of a Rule 15 motion --
- 16 THE COURT: Right.
- 17 MR. SULLIVAN: -- is the individualized issues it
- 18 relates to. And b, as it such --
- 19 THE COURT: I just -- I just don't --
- 20 MR. SULLIVAN: -- would be Twombly and Iqbal.
- 21 THE COURT: -- I think you're putting a lot of weight
- 22 on that point. And given the context, it just doesn't -- it
- 23 doesn't support it.
- MR. SULLIVAN: Okay, I mean, I can --
- 25 THE COURT: And there was --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₆₉ - 11 Pg 273 of 944

- 1 MR. SULLIVAN: -- tell you that --
- 2 THE COURT: -- there was no contemplation that we were
- 3 going to deal with laches today.
- 4 MR. SULLIVAN: I can tell you universally all the
- 5 counsel for the defendants disagree with that.
- 6 THE COURT: Well, really?
- 7 MR. SULLIVAN: I -- I swear. I'm not making this up.
- 8 THE COURT: I mean, the surreplies don't -- I mean --
- 9 MR. SULLIVAN: We were shocked when -- we were --
- 10 literally, we were all shocked --
- 11 THE COURT: All right. What are the issues besides
- 12 laches?
- MR. SULLIVAN: Well, there were a number -- for
- 14 example -- I can't speak for everybody. For Timken, for
- 15 example, one of our arguments was that a settlement that was
- 16 reached between the debtors and Timken are --
- 17 THE COURT: We dealt with that. I agree with you on
- 18 that. We dealt with that. I said they're going to have to --
- 19 you're going to show to them. They're going to have to respond
- 20 to you by tomorrow on that.
- 21 MR. SULLIVAN: But with a slightly different argument,
- 22 but --
- MS. CALTON: Your Honor?
- MR. SULLIVAN: -- but --
- 25 MS. CALTON: This is Judy Calton for Rotor Coaters.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₀ - 11 Pg 274 of 944

- 1 We were secured by right of setoff. We thought that was a both
- 2 pleading (b)(5) issue and an individualized issue just as an
- 3 example.
- 4 MS. HAFFEY: Your Honor, I think it's important to
- 5 note what's the last issue of what the Court said in the
- 6 hearing is that we were then going to set up individualized
- 7 hearings and briefing to cover the rest of these issues, and
- 8 that was the context of our conversation that day, because it
- 9 was a recognition that in today's hearing there was not going
- 10 to be time nor the place for all of the defendants to talk
- 11 about individual issues.
- 12 THE COURT: All right.
- MR. SULLIVAN: And Your Honor, the fact that they
- 14 didn't even brief the specific issues dealing with the
- 15 contracts, again, leads us to believe that they were
- 16 universally just disregarding Your Honor's directives. So --
- 17 THE COURT: Well --
- MS. HAFFEY: In --
- 19 THE COURT: -- I'm sorry. I've now looked at all of
- 20 the pages of your exhibit. I ruled on judicial estoppel
- 21 already. And we already dealt with laches. I mean, I --
- there's nothing else in here as far as Timken's concerned. Is
- 23 there?
- 24 MR. SULLIVAN: Well, it's -- I can get into some of
- 25 the issues. I briefed them all. But the settlement I'm

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₁ - 11 Pg 275 of 944

- 1 talking about was the settlement at its -- of its proofs of
- 2 claims.
- 3 THE COURT: Right.
- 4 MR. SULLIVAN: There were two settlements. One that
- 5 predated the filing of the claim, one that postdated it.
- 6 THE COURT: Right. And --
- 7 MR. SULLIVAN: And it was after the statute of
- 8 limitations --
- 9 THE COURT: -- and you've provided those settle -- we
- 10 already dealt with that. I said -- you provided to them. You
- 11 did that, and I said they have to get -- they have to deal with
- 12 that by tomorrow.
- MR. SULLIVAN: Actually, I think you said the end of
- 14 today with respect --
- THE COURT: All right. Well, fine.
- MR. SULLIVAN: -- to the Timken motion, so --
- 17 THE COURT: That's true. We shortened it. Okay. So
- what's the answer on that one?
- MS. HAFFEY: We're prepared to deal with it. Mr.
- 20 Radom will.
- 21 MR. RADOM: Your Honor, the Timken contract that was
- 22 assumed related to certain Grand Rapids, Michigan facilities.
- 23 The POs -- that there are other POs that were not assumed that
- 24 related to other Delphi facilities. The waiver only relates to
- 25 Grand Rapids, not to any other facilities.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{272} - 11 Pg 276 of 944

- 1 THE COURT: Okay. It's --
- MS. HAFFEY: And we have the notices -- the affidavits
- 3 served is that the notices of that assumption with us as well.
- 4 THE COURT: Is this separate from the settlement
- 5 you're referring to?
- 6 MR. SULLIVAN: Yes, Your Honor.
- 7 MR. RADOM: I'm sorry, I didn't understand that.
- 8 What's separate from the --
- 9 THE COURT: There's a separate settlement.
- 10 MS. HAFFEY: This is the agreement that Mr. Sullivan
- 11 said he sent to me this week --
- 12 THE COURT: Right.
- MS. HAFFEY: -- that I was to look at. That's what
- 14 we're referring to. So if there's something else, we
- 15 definitely provided it.
- 16 MR. SULLIVAN: Your Honor, I fully briefed the
- 17 settlement issue, which is separate and apart from the contract
- 18 assumption issue.
- 19 (Pause)
- 20 MR. SULLIVAN: Would you like me to point you to it?
- 21 THE COURT: No, I just read it.
- (Pause)
- THE COURT: Where is the settlement that you're
- 24 referring to?
- MR. SULLIVAN: Where are the settlement agreements,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₃ - 11 Pg 277 of 944

- 1 Your Honor?
- THE COURT: Yes.
- 3 MR. SULLIVAN: They're on the docket.
- 4 THE COURT: Do you know how many items are on the
- 5 docket in this case?
- 6 MR. SULLIVAN: I don't have --
- 7 THE COURT: Did you provide a copy of the -- your
- 8 supplemental reply to chambers, by the way?
- 9 MR. SULLIVAN: I did, Your Honor.
- 10 THE COURT: Did he, John? Look.
- 11 MR. SULLIVAN: I apologize, Judge, I didn't bring a
- 12 copy of it.
- 13 THE COURT: I'm sorry. This -- and I guess I was
- 14 getting upset because I saw that you also briefed and expect
- 15 the debtors to the issue of judicial estoppel, which I already
- 16 ruled on in an order.
- 17 So I view this as a kitchen sink, and I don't think
- 18 that the transcript you're relying can lead to the debtors
- 19 being precluded from responding on that issue. We'll set a
- 20 time for them to respond to it today.
- 21 MR. SULLIVAN: With respect to -- with respect --
- 22 going back to the contract assumption issue, Your Honor, we
- 23 didn't really fully resolve that.
- THE COURT: Well, I mean, it seems like it's an open
- 25 issue. He says that it's a release as to specifically assumed

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₄ - 11 Pg 278 of 944

- 1 purchase orders, not a general release.
- 2 MR. SULLIVAN: And you're -- that's correct, Your
- 3 Honor. It didn't -- it wasn't a general release. I never said
- 4 it was.
- 5 THE COURT: All right.
- 6 MR. SULLIVAN: But the firm should be -- I've
- 7 requested, pursuant to Your Honor's direction, for -- I told
- 8 them which contracts it was, and they haven't come back with
- 9 any information. I asked for the POs and the invoices to which
- 10 this relates, so I can come to the determination of whether or
- 11 not any of these transactions relate to these contracts which
- were assumed. And they've failed and refused to respond to any
- of my inquiries in contravention of Your Honor's directive.
- MS. HAFFEY: Your Honor --
- 15 MR. RADOM: Your Honor, I think we're in a position to
- 16 identif -- I mean, if there are --
- 17 THE COURT: When did they --
- MR. RADOM: -- purchase orders --
- 19 THE COURT: -- when did they get this document?
- 20 MR. SULLIVAN: Originally October of 2010, Your Honor,
- 21 and I've sent numerous e-mails. And I've submitted a
- declaration, Your Honor, attaching copies of the e-mails.
- MS. HAFFEY: Your Honor, we've provided them with the
- 24 PO numbers that we claimed were not assumed. I can't say if it
- 25 came in October. I know I got it this week on June 16th at --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{275} - 11 Pg 279 of 944

- 1 it was 10:40 p.m.
- THE COURT: All right.
- MR. SULLIVAN: Your Honor, I received nothing. The
- 4 first time they reached out to me was, I think, on Saturday.
- 5 MR. RADOM: Your Honor, we're happy to respond. If
- 6 you can give us a few days, we're happy to try and provide a --
- 7 an --
- 8 THE COURT: Okay.
- 9 MR. RADOM: -- ex par -- file a response
- 10 to --
- 11 THE COURT: I think that's --
- MR. RADOM: -- final response to --
- 13 THE COURT: -- I think that's what should happen.
- 14 They -- you should respond by Monday on this.
- MR. RADOM: Thank you, Your Honor.
- 16 THE COURT: With the facts on the different orders.
- 17 MR. RADOM: So just so I understand.
- THE COURT: It'll be part of the --
- MR. RADOM: Talking to --
- 20 THE COURT: -- it'll be part of the exercise in doing
- 21 the chart.
- MR. RADOM: -- what we're talking is -- as I
- 23 understand we're talking two agreements. We're talking this
- 24 assumption agreement, which relates to specific facilities, and
- 25 then Mr. Sullivan is saying --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₆ - 11 Pg 280 of 944

- 1 THE COURT: There's a --
- 2 MR. RADOM: -- a separate settlement --
- 3 THE COURT: -- settlement of a claim that doesn't
- 4 specifically have a release in it, but the argument is that
- 5 it's -- it covers the entire claim, including a final 502(d)
- 6 claim.
- 7 MR. RADOM: Did he identify the docket number?
- 8 THE COURT: It's attached to some declaration that was
- 9 submitted in connection with the July hearing.
- 10 MR. RADOM: Okay, Your Honor. Thank you.
- 11 THE COURT: The Hart declaration. Okay. Are there
- 12 other issues besides laches in this release issue that people
- 13 want to raise?
- MR. NAYAK: Your Honor, this morning -- Mahesh Nayak
- on behalf of Detroit Products -- this morning I had raised the
- issue with you, and I wasn't sure from where you began your
- 17 comments that Your Honor -- regarding the issue of service of
- 18 the fourth extension order on our client.
- 19 THE COURT: Right.
- 20 MR. NAYAK: We filed affidavits --
- 21 THE COURT: No, I -- I understand how that relates to
- 22 the fourth extension challenge. How does it relate to the
- 23 motion to amend as far as the -- what was to be determined on
- today's hearing?
- 25 MR. NAYAK: I would argue, in part, Your Honor that --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₇ - 11 Pg 281 of 944

- on a futility basis that the extension orders, neither the
- 2 motions nor the orders were never served on our client to begin
- 3 with.
- 4 THE COURT: All right.
- 5 MR. NAYAK: And that's gone on relentless --
- 6 THE COURT: No, no, no. I understand the point, and
- 7 this is why I raised this issue in connection with the
- 8 discussion that began this hearing at about 10:10 when the
- 9 debtors laid out what they understood to be the agenda for
- 10 day -- today's hearing.
- And futility, which is one of the factors under Rule
- 12 15(a), was not on that agenda. And I asked everyone do they
- 13 disagree with that agenda. And the disagreements went to Mr.
- 14 Sullivan's point and the -- a couple of -- actually, it turned
- out to be one person on claims under 250,000, and that was it.
- 16 And I reviewed the December transcript, and it doesn't really
- 17 talk about the futility point.
- So I understand how it's relevant on the fourth
- 19 extension challenge, which was on for today and was scheduled
- 20 for today, and that's -- it's a perfectly legitimate point on
- 21 that issue. I'm just not sure it's properly teed up for today
- 22 as far as the Rule 15 motion. Certainly no one said that at
- 23 10:10 or 10:30.
- 24 MR. NAYAK: I admit, Your Honor, that I did not -- I
- 25 did not come onto it in our opening comments. I came onto it,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₈ - 11 Pg 282 of 944

- 1 I think, maybe fifteen minutes after that discussion began.
- THE COURT: All right. But --
- 3 MR. NAYAK: But I sat down at your suggestion and --
- 4 THE COURT: All right. So what -- but -- where does
- 5 that -- where was that dealt with and preserved as part of the
- 6 conference that we had in December of 2010 as far as this
- 7 hearing as opposed to preserved for some other -- some other
- 8 day?
- 9 MR. NAYAK: Your Honor, I'll say that the discussion
- 10 that Mr. Sullivan just had with you, it was my understanding
- 11 that that issue, because of -- because of the fact that it
- relates to the 4(m), because we're talking about the issue of
- 13 futility, was preserved and that we would be talking about that
- 14 today. It's the second time we've briefed this issue for the
- 15 defendant.
- 16 THE COURT: No, but I said you don't need to brief it
- 17 because we've already -- we're go -- I'm going to rule on it.
- 18 I -- it's a live issue. I'm still going to rule on it. The
- only issue is whether it was to be dealt with today.
- MR. WURST: Judge, if I may? I think you may have
- just focused that issue; if what you're saying is that that
- issue remains ripe, that is part of your determination even if
- it's not argued today but has been briefed, then I think,
- especially in light of the fact that it's now ten of 6, we
- 25 should be all comfortable that we've briefed it properly, and

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₇₉ - 11 Pg 283 of 944

- 1 we have those issues before the Court.
- I think the other issue that we may want to touch on
- for a moment is point 5 on the debtors' agenda, which is the
- 4 procedures for dealing with individual issues.
- 5 THE COURT: All right. I don't want to get to that,
- 6 though.
- 7 MR. WURST: No, I -- okay. But I'm sure -- certainly
- 8 before we go home and --
- 9 THE COURT: Okay.
- MR. WURST: -- go to bed tonight, we'll wrap with
- 11 something like that.
- 12 UNIDENTIFIED SPEAKER: Your Honor, one sentence, Your
- Honor?
- 14 THE COURT: Let me just --
- 15 UNIDENTIFIED SPEAKER: Futility is relevant to --
- 16 THE COURT: -- I'm just looking at the transcript
- 17 here.
- 18 UNIDENTIFIED SPEAKER: Okay. And my comment goes to
- 19 that, Judge.
- MR. SULLIVAN: Your Honor --
- 21 THE COURT: I mean, Mr. -- there's -- there was an
- 22 agreement in December that to the extent the Rule 4(m) issues
- are issues that can be resolved as a matter of law, they're
- 24 appropriate for February 17th. Okay?
- 25 And that's -- and that's what I said I would -- I --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₀ - 11 Pg 284 of 944

- 1 you know -- if I left open, as I have here, the ability to file
- 2 an amended complaint on some issues, which is what's happened
- 3 here, then I would turn to Rule 4(m) challenges as a matter of
- 4 law.
- 5 UNIDENTIFIED SPEAKER: Your Honor, I understand Your
- 6 Honor's view, and Your Honor correctly earlier stated that
- 7 there's no order in that transcript. And I suggest, Your
- 8 Honor, that futility or showing a lack of futility as part of
- 9 the debtors' burden of going forward and burden of proof today
- 10 with regard to the motion to amend. And the debtor has not
- 11 carried that burden. It's part of their case.
- MR. SULLIVAN: Your Honor, I'd like to be a little
- more specific. This morning, and this is my fault, not Mr.
- 14 Nayak's, I think I took you when you were talking about the
- 15 agenda, you raised the issue of people who received no notice
- of the 4(m) extensions of the disclosure statement that those,
- 17 as a matter of -- that you were going to deal with those as not
- 18 individualized prejudice, but across the board as -- you would
- 19 hear that today as a basis for futility.
- 20 That's what I interpreted the Court to mean this
- 21 morning when you set up the agenda, that for those defendants
- 22 who fall into that category of receiving no notice whatsoever,
- 23 that you would be dealing with that almost as a matter of law
- 24 as opposed to --
- 25 THE COURT: So --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 12.81 - 11 Pg 285 of 944

- 1 MR. SULLIVAN: -- the factual --2 THE COURT: -- what about --3 MR. SULLIVAN: -- individualized --4 THE COURT: -- the statement on page 33? The Court: 5 all right, I'm not going to deal with the notice issues on the 6 17. 7 MR. SULLIVAN: But then Your -- later, Your Honor, on 8 page 42, you said and they're going to have to do it either by, 9 you know, two or three paragraphs on each objection. And then 10 you keep going, and --11 THE COURT: But that --12 MR. SULLIVAN: -- the Court said no, it will be heard. 13 It's going to be heard. I will hear it on the 17th. 14
- THE COURT: -- but that -- but the "it" doesn't refer
- 15 to the notice issues, which I've already -- I had already ruled
- 16 out?
- 17 MR. SULLIVAN: It refers to the futility issue. That
- 18 was our point.
- 19 THE COURT: But not --
- 20 MR. SULLIVAN: It referred to the futility.
- 21 UNIDENTIFIED SPEAKER: Your Honor, yes, and again --
- 22 THE COURT: Where's the word futility appear between
- 23 page 33 --
- 24 UNIDENTIFIED SPEAKER: Line 15, Your Honor.
- 25 THE COURT: On what page?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{282} - 11 Pg 286 of 944

- 1 UNIDENTIFIED SPEAKER: On page 40 --
- 2 MR. SULLIVAN: 42, Ms. Calton --
- 3 MS. HAFFEY: But it's Ms. Cal --
- 4 UNIDENTIFIED SPEAKER: Ms. Calton says, "Well, this is
- 5 a unique futility issue that I guess the point that I believe
- 6 is Mr. Winsten was trying to make is Delphi should be directed
- 7 to pay their attention to it. Yes, it won't be heard on the
- 8 17th." No, no, it -- the Court says, "No, no, it will be
- 9 heard."
- 10 THE COURT: But did -- but the unique futility issue
- 11 is the one she raised on page 41 --
- MS. HAFFEY: Right.
- 13 THE COURT: -- which is what we have actually been
- dealing with, which is who's the defendant and who's the
- 15 plaintiff and who made the transfers. That's the unique one.
- 16 We spent, in this conference, the first twenty or thirty pages
- 17 talking about the notice issues and Rule 4(m). And I was
- inclined to go either way on it, and I was finally persuaded,
- as I said on page 33, I'm not going to deal with the notice
- issues on the 17th.
- 21 MR. SULLIVAN: Your Honor, I don't want to debate it
- 22 further. I don't want to debate the issue with your further.
- 23 I don't -- it's not my intention to argue with you on this.
- 24 THE COURT: Well --
- MR. SULLIVAN: But I will say that the comments that

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₃ - 11 Pg 287 of 944

- 1 Mr. Applebaum just echoed that you made this morning encouraged
- 2 us just to make sure that we stood up and referred --
- 3 THE COURT: Okay.
- 4 MR. SULLIVAN: -- one last time on this before the
- 5 day --
- 6 THE COURT: All right.
- 7 MR. SULLIVAN: -- was over.
- 8 THE COURT: That's fine. I -- that -- I understand,
- 9 and I think the notice issues are relevant to the fourth
- 10 extension challenge. I understand that. I just -- I mean, we
- 11 spent an hour or so on this on December 17th, and that's how it
- 12 shook out.
- MR. SULLIVAN: Thank you.
- 14 THE COURT: Okay. So shall we deal with the fourth
- 15 extension challenge?
- MS. HAFFEY: We shall.
- 17 THE COURT: Okay.
- 18 MS. HAFFEY: Mr. Sendek will deal with that.
- MR. APPLEBAUM: Thank you, Your Honor. Joel Applebaum
- 20 of Clark Hill, on behalf of what is known to the Court as Doshi
- 21 Prettl Detroit Products Corporation and the other defendants.
- 22 I'll try to be very brief, Your Honor, because the hour's late.
- 23 We filed and were joined by a number of other defendants a
- 24 motion under Rule 60 to set aside the fourth extension order on
- 25 the ground of surprise and in burdens mistake as we are

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₄ - 11 Pg 288 of 944

- 1 approaching the one year anniversary of that order and based
- 2 upon on the reasons developed in part in the Global Crossing
- 3 case, 385 Bankruptcy Reporter 52.
- 4 Butzel, on behalf of the reorganized debtor, filed a
- 5 response in opposition raising two principle issues. One;
- 6 whether or not that fourth extension order was a final order.
- 7 And two; even assuming it were a final order, that's not what
- 8 the -- we say Global Crossing stands for and opposed our
- 9 relief.
- I don't want to rehash the arguments in the briefs. I
- 11 think they were well laid out, but I do want to briefly address
- the reorganized debtors' response. With respect to the issue
- of finality, we think the answer is yes. It's a final order
- 14 for this purpose -- for these purposes for several reasons.
- 15 First, the concept of finality is more flexible in bankruptcy
- 16 cases than ordinary civil litigation, and orders that finally
- 17 dispose of discrete disputes within a larger case obviously
- 18 satisfy that task.
- The fourth extension order was entered in the main
- 20 case, and this flexible standard applies here. It finally
- 21 disposes of the discrete issue in this case their ability to
- 22 serve and prosecute these cases. And, in this regard -- this
- is particularly important -- in this regard, there was an
- ambiguity in connection with the somewhat unusual posture of
- 25 these cases. All of the adversary proceedings were dismissed,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₅ - 11 Pg 289 of 944

- 1 albeit without prejudice, but dismissed nevertheless.
- 2 And we -- in the case De tie vs. Orange County, 152
- 3 F.3d 1109 in 9th Circuit Court of Appeals decision, the court
- 4 held that when a complaint is dismissed with leave to amend,
- 5 the order's not final in the absence of a further order
- 6 terminating the action. However, whereas here the dismissal
- 7 order -- I'm sorry. Whereas here leave to amend has not yet
- 8 been granted, the dismissal of an action, even when it's
- 9 without prejudice, is a final order.
- 10 THE COURT: Can I -- is this argument that important
- since I have separate authority to amend my own interlocutory
- order and the standard really isn't that much different?
- MR. APPLEBAUM: I think that if the Court's willing to
- 14 look under either basis, I think there is -- there's overlap.
- 15 The Court can do it under either one.
- 16 THE COURT: Okay. And then I had one other point.
- 17 MR. APPLEBAUM: I wouldn't say it's not important.
- 18 It's certainly --
- THE COURT: Well --
- MR. APPLEBAUM: -- important to me.
- 21 THE COURT: -- well, I mean, but I'm not sure it
- 22 really matters since --
- MR. APPLEBAUM: But I think the Court can address
- 24 it --
- 25 THE COURT: -- there's not much difference --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₆ - 11 Pg 290 of 944

- MR. APPLEBAUM: You know, you can cut the steak any
- 2 number of ways --
- 3 THE COURT: The other --
- 4 MR. APPLEBAUM: -- I agree with you.
- 5 THE COURT: -- point I had -- I've been reminded on in
- 6 rereading the Family Gulf case is Judge Bernstein's remark,
- 7 which I think is accurate, that even though the bankruptcy rule
- 8 applies only to final orders. The local rules let us apply the
- 9 same standard to interlocutory orders; Local Rule 9023-1, and I
- 10 think 9023 -- 9024-1 as well, which I have to go -- I could
- 11 test. I was reminded of that reading the case again in
- connection with the 547(b)(2) point.
- But in any event, it seems to me that as a question of
- 14 power or authority to take action, I either agree with you and
- 15 say that it's, for these purposes, a final order or I conclude
- 16 that if it's interlocutory I still, subject to, you know,
- 17 the -- with due deference to the law, the case doctrine, I
- 18 could still amend it under -- well, for example, United States
- 19 vs. Ussio (sic) or Uccio U-C-C-I-O, 948 F.2d 753, 2nd Circuit,
- 20 1991.
- MR. APPLEBAUM: I think you're correct --
- 22 THE COURT: Under both --
- MR. APPLEBAUM: -- Your Honor.
- 24 THE COURT: -- scenarios, though, it seems to me that
- 25 there is a basic issue, but maybe it could be dealt with, which

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₇ - 11 Pg 291 of 944

- 1 is prejudice to the plaintiff/debtor since there were orders
- 2 that it's relying on, which is -- would apply under either
- 3 standard.
- 4 MR. APPLEBAUM: Right. Well, and the Court obviously
- 5 has the right to review its orders, and that is in fact what
- 6 the Court did in Global Crossing when it set aside its previous
- 7 orders. There were also four extension orders that were
- 8 granted. I'm less concerned with the prejudice to the
- 9 plaintiff here because it was the elasticity, in their view, of
- 10 the statute of limitations that has really prejudiced my
- 11 client.
- We received no notice of the orders the Court entered.
- 13 They were essentially, at least to my client, ex parte
- 14 submissions. We received no notice of the disclosure
- 15 statement. We received no notice of the confirmation of the
- 16 plan. All of this took place out of our view.
- 17 And as a result, we're faced now, and we put in the
- 18 affidavits that Mr. Nayak was referring to, we're faced now
- 19 with what the Court sort of introduced at this morning's
- 20 hearing, which is all of the orders predate our involvement in
- 21 the case, our client's involvement in the case. And all of
- them were served or filed prior to their involvement in the
- 23 case. They received no notice whatsoever.
- So here, you have sort of a unique prejudice, if there
- ever is a situation where there's prejudice, the prejudice is

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₈ - 11 Pg 292 of 944

- 1 you had essentially ex parte orders extending the statute of
- 2 limitations by almost two and a half years. So that's what the
- 3 focus of our Rule 60 motion was.
- 4 Now, the Court, I agree, has the flexibility as
- 5 interlocutory or final. We filed it under Rule 60 because Rule
- 6 60 refers to a hard one-year anniversary from the date of the
- 7 order if the Court wants to treat it under the interlocutory --
- 8 its interlocutory powers --
- 9 THE COURT: Right.
- MR. NAYAK: -- that's fine, too. But the focus of the
- 11 motion, which I assume is -- the Court's going to address also
- 12 with respect to the other 4(m) issues we were just discussing
- is the prejudice to the defendants.
- And while the Court started the hearing this morning
- 15 was where you have a situation where absolutely no notice was
- 16 given -- could be given that that, as a matter of law, the
- 17 Court was willing to carve out that spot of the defendants.
- 18 And that, we think, is exactly what happened here, and also why
- 19 we're relying on the Global Crossing case, which is a similar
- 20 factual situation; no notice to the defendants in that case
- 21 either in an effort to relate back.
- THE COURT: Well, Judge Gerber didn't rule on the
- 23 basis of there being no notice.
- MR. APPLEBAUM: No, he didn't. He ruled on the
- 25 relation back issue, but his points were, you know, equally

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₈₉ - 11 Pg 293 of 944

- 1 applicable. The Court, he said, there are serious separation
- 2 of power concerns --
- 3 THE COURT: Right, but he didn't --
- 4 MR. APPLEBAUM: -- because it would enable --
- 5 THE COURT: -- rule on that basis. He was careful not
- 6 to. He's very careful in everything he does. And he ruled on
- 7 the basis that the complaints that were filed subsequently
- 8 didn't relate back. They were untimely.
- 9 MR. APPLEBAUM: They were untimely because they were
- 10 filed -- they were not filed within the form extensions because
- 11 he found that the first form extension didn't ask for the type
- 12 of relief --
- 13 THE COURT: Right.
- MR. APPLEBAUM: -- that they were requesting with
- 15 respect to additional defendants.
- 16 THE COURT: Right.
- 17 MR. APPLEBAUM: I appreciate that.
- 18 THE COURT: Right.
- MR. APPLEBAUM: He was very careful. But
- 20 nevertheless, he was also very careful to point out that
- 21 statutes of limitations are not elastic concepts.
- 22 THE COURT: That's dicta.
- MR. APPLEBAUM: Well, it may be dicta, but it's
- 24 certainly persuasive dicta.
- 25 THE COURT: He wouldn't have --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₀ - 11 Pg 294 of 944

- 1 MR. APPLEBAUM: At least in my mind.
- 2 THE COURT: -- the -- he wouldn't have the rule
- 3 otherwise.
- 4 MR. APPLEBAUM: Your Honor, the rule, as the judge
- 5 pointed -- as Judge Gonzalez pointed out is a rule to serve, to
- 6 find and serve. It's to facilitate service. It's not -- it's
- 7 not to allow --
- 8 THE COURT: I think the point that we should be
- 9 focusing on is the lack of notice.
- MR. APPLEBAUM: I agree.
- 11 THE COURT: Which provides for the argument, not on
- 12 prejudice but on surprise, and it also, I believe, goes to
- rebut the plaintiffs' argument that they're prejudiced by the
- order; the argument being in response how can you prejudiced by
- 15 an ex parte order being revoked, because it's ex parte. Do you
- 16 follow me on that?
- 17 MR. APPLEBAUM: I do.
- 18 THE COURT: I think it's less a question of sur -- of
- 19 prejudice than surprise, and then rebutting the prejudice
- 20 argument that the plaintiff asserts. It's not clear to me
- 21 whether the plaintiff here takes the view that if in fact it is
- true that your client literally received no notice, was not on
- 23 the matrix, didn't get notice of anything that somehow they can
- 24 still be bound by this order.
- I don't know if that's the case. I have a feeling

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₁ - 11 Pg 295 of 944

- 1 that plaintiff doesn't have that view, and that it's reliant on
- 2 factual issues as to whether there was notice or not.
- 3 MR. APPLEBAUM: I don't think they've raised any
- 4 factual issues in response to the two affidavits we submitted
- 5 in connection with our paper.
- 6 THE COURT: Okay.
- 7 MR. APPLEBAUM: We've seen none.
- 8 THE COURT: All right. But I don't know if they're
- 9 still opposing it. That --
- MR. APPLEBAUM: We've seen none.
- 11 THE COURT: All right.
- MR. APPLEBAUM: I mean, there may be, but we've seen
- 13 none.
- 14 THE COURT: Before -- I mean, I'm laying out issues
- 15 that I want the plaintiff to respond to. There's another issue
- 16 that I acknowledge I did not focus on sufficiently at the July
- 17 hearing -- because it -- I think I basically crept up in oral
- 18 argument. The order I've been focusing on here is the fourth
- one, which is the only one that's at issue in this motions.
- 20 And that order recites -- based upon a recital in the
- 21 underlying motion, as well as, I believe, a statement on the
- record by the debtors' counsel, Ms. Marafioti that the motion
- 23 was served as set forth in my standing order for service in the
- 24 case -- your motion as well as others takes issues with that
- 25 cite, attaching the certificate of service.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₂ - 11 Pg 296 of 944

DPH HOLDINGS CORP., ET AL.

1 And I think that's a serious issue here. Separate and 2 apart from the other ones. The order -- the supplemental case 3 management order dated March 17th, 2006 states that, "All 4 filing shall be served via overnight mail upon all parties with 5 a particularized interests in the subject of the filing, as 6 well as to the master service list." And the motion that was 7 filed on October 2, 2009 states that, "Notice of this motion 8 has been provided in accordance with the supplemental order." 9 And it doesn't appear to have been. So, I mean, I think that 10 also goes to Rule 60. 11 The argument that was made in the motion at the 12 hearing was twofold, as you all point out. First of all, that 13 the debtors wanted more time given their drastically changed 14 circumstances. And secondly, that it was quite possible that 15 in light of that more time they'd drop more people and would not pursuit the lawsuits against them. If people are on notice 16 17 of that then one can take the view that, well, you know, maybe 18 they're happy not to be served yet. But if you're not on 19 notice of then that's a sep -- you know, it's a different 20 issue, and that's the overall notice points you made. 21 But there's a subset of that, which is, it does not 22 appear to me that that representation was correct as to the 23 service of the motion. 24 MR. APPLEBAUM: Well, I certainly -- speaking for my 25 client only, it's correct -- you're correct on both counts.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₃ - 11 Pg 297 of 944

- One, we are surprised, we didn't get notice, it wasn't served
- 2 on us per the motion or the --
- 3 THE COURT: Right.
- 4 MR. APPLEBAUM: -- the case management order. And
- 5 secondly, I don't think the Court can ignore the resulting
- 6 prejudice that follows from the fact that, you know, lengthy
- 7 extensions were given, essentially, without notice and the
- 8 events that transpired between the --
- 9 THE COURT: Well --
- 10 MR. APPLEBAUM: -- the filing of the complaint --
- 11 THE COURT: All right.
- MR. APPLEBAUM: -- and the ultimate release of the
- 13 complaint.
- 14 THE COURT: On that issue, I'm -- I mean, it's a
- 15 balancing of different prejudices. I mean, there's obviously a
- 16 prejudice because people are not served within the limitations
- 17 period, but if that were the case then there wouldn't be -- I
- 18 mean, if that were dispositive then you wouldn't have Rule 4(m)
- in the first place.
- MR. APPLEBAUM: Well, not necessarily true, Your
- 21 Honor. In most Rule 4 cases they're not ex parte orders; they
- 22 can be, but they're not always. I mean, it's --
- THE COURT: But someone stands up and says we're
- 24 prejudiced because the limita -- I thought what your saying is
- 25 the prejudice the fact that we had to wait to be served during

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₄ - 11 Pg 298 of 944

- 1 the limitations period.
- 2 MR. APPLEBAUM: No. My prejudice is that the
- 3 complaints were filed under seal and two and a half years later
- 4 released and that's when we learned -- so it was surprise and
- 5 prejudice.
- 6 THE COURT: All right.
- 7 MR. APPLEBAUM: And in that intervening two and half
- 8 years there was an individualized prejudice that is virtually
- 9 unique to our client.
- 10 THE COURT: Right.
- MR. APPLEBAUM: There were transactions that
- 12 occurred -- et cetera, et cetera.
- 13 THE COURT: No. And that needs to be dealt with --
- MR. APPLEBAUM: I --
- 15 THE COURT: -- on a case by case basis.
- MR. APPLEBAUM: I appreciate that.
- 17 THE COURT: I thought you were saying that the
- 18 prejudice is simply the fact that the limitations period had
- 19 run.
- MR. APPLEBAUM: No, no. I'm trying to bifurcate --
- 21 THE COURT: All right. All right. Okay. Fine.
- MR. APPLEBAUM: I appreciate the individualized aspect
- 23 of it.
- THE COURT: All right. We're on the same page, then.
- 25 MR. APPLEBAUM: All right. That's fine.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₅ - 11 Pg 299 of 944

- 1 THE COURT: All right. Okay.
- 2 MR. APPLEBAUM: So I guess now I'm sort of at a loss
- 3 as to where --
- 4 THE COURT: All right. So I basically have -- these
- 5 are the points I have for the debtors here. Given that --
- 6 given the situation where literally there was no notice; that's
- 7 situation one. And that's what's asserted by -- is it [Doh'-
- 8 shi] or [Dah'-shi]?
- 9 UNIDENTIFIED SPEAKER: Detroit Products.
- 10 THE COURT: What?
- MR. APPLEBAUM: [Doh'-shi].
- 12 UNIDENTIFIED SPEAKER: Detroit Products, formally
- 13 known as --
- 14 THE COURT: Detroit Products, okay, Detroit Products.
- 15 What's the response when there's literally no notice? Second,
- 16 what's the response on the supplemental case management order
- 17 and the representation of the motion not apparently being true.
- 18 And under those scenarios -- if there's not a satisfactory
- 19 answer on those two, isn't this really -- this is a matter of a
- 20 law, isn't it? I mean, can I deal with this now?
- 21 We don't have to get into whether there was notice or
- 22 not because there doesn't appear to have been any notice and
- there doesn't appear to be any response on that issue.
- MR. APPLEBAUM: I think we'll sit down, Your Honor.
- THE COURT: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₆ - 11 Pg 300 of 944

- 1 MR. WURST: Again, if I wasn't clear earlier that
- 2 those facts are analogous to Wells Fargo.
- 3 THE COURT: No, I know other people have made the same
- 4 argument.
- 5 MR. WURST: So as long as that's up there and we're on
- 6 the record --
- 7 THE COURT: Everyone who's made these arguments on
- 8 their paper -- in their motions -- you don't have to repeat it,
- 9 I'm just -- there are these common elements. And I'm
- 10 distinguishing it from people who -- where there's a dispute as
- 11 to whether someone got notice.
- MR. SENDEK: Your Honor, Bruce Sendek for DAS. I
- 13 believe the scope of this motion for relief has broadened
- substantially from what appears on the papers. And we've
- 15 spent -- or at least, the defendant has spent a great deal of
- time talking about notice and an affidavit.
- 17 First, there is no affidavit attached to this motion
- 18 for relief from the fourth order. This particular motion that
- 19 was keyed up for today is very limited in its scope as I read
- 20 it and as we responded to it and as I understand it. It
- 21 doesn't speak of prejudice to the defendant, what it says is
- 22 rather simple. It says, based on Rule 60 -- okay, the fourth
- order should be set aside because of a mistake because the
- 24 reasons for the fourth extension order changed from what they
- 25 had been previously. And for that it relies on global crossing

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₇ - 11 Pg 301 of 944

- 1 and it is a very inappropriate use of global crossing to make
- 2 that point.
- 3 The Court, I believe correctly referred to the dicta
- 4 in global crossing as not being what's at issue here, and if it
- 5 has any significance at all we need to look at the holding,
- 6 which of course is -- which is the important part of any
- 7 court's opinion. And I've identified what the holding is in
- 8 that case -- at least what I believe it to be, because the
- 9 Court says, this court -- the Court concludes that the first
- 10 Rule 4(m) order, which appropriately entered -- while
- 11 appropriately entered for the purpose for which it sought had
- 12 neither the purpose nor effect of extending the statute of
- 13 limitations for claims against then unnamed and unidentified
- 14 dividend recipients.
- 15 THE COURT: I understand that. But --
- MR. SENDEK: Well, then I think -- but, Your Honor,
- 17 the important point is that that's what the fourth -- this is
- 18 what this motion --
- 19 THE COURT: All right. But there are --
- 20 MR. SENDEK: -- is addressing. I think defendants
- 21 were frustrated that the Court wasn't going to get into the
- 22 claims that weren't on the agenda today, and tried to really
- 23 shoehorn in this whole notice issue into this particular brief.
- 24 Again, there's not affidavit attached to it or referenced in
- 25 it. It asked for a very narrow -- it asked for relief on very

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₈ - 11 Pg 302 of 944

- 1 narrow grounds. That is that the Court -- that nobody can
- 2 change their reasons for a subsequent extension, which is not
- 3 at all what global crossing says. It says you can't now
- 4 include that at some later in point time unnamed and
- 5 unidentified defendants. That's what it says, it doesn't go
- 6 beyond that.
- Now, again, I believe the defendants were frustrated
- 8 because they didn't get some of the issues addressed that they
- 9 thought ought to be, but we're properly before the Court today,
- 10 and I think that whole notice discussion is a matter for
- 11 another time, not here.
- 12 THE COURT: I guess, my point though, ultimately, is I
- 13 understood a fair matter on this point at the July hearing. I
- 14 mean, it basically said if you really didn't get any notice of
- 15 this then you shouldn't be sued. I mean, I -- so why are we
- 16 still dealing -- I mean --
- 17 MR. SENDEK: Well, there was a question at that time
- 18 of notice and what is notice and what frame -- what type of
- 19 notice would be sufficient --
- 20 THE COURT: All right. But it you're --
- 21 MR. SENDEK: -- whether --
- 22 THE COURT: They're asserting they weren't even on the
- 23 matrix, and they weren't served with motion -- and I'm very
- 24 troubled by the fact they weren't served by the motion.
- MR. SENDEK: They haven't asserted --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₂₉₉ - 11 Pg 303 of 944

DPH HOLDINGS CORP., ET AL.

1 This seems to be -- in balancing the THE COURT: 2 prejudice issues it's much harder for the plaintiff here to 3 argue that it would be prejudiced by my revoking the fourth 4 order when it, in fact, knew that the motion wasn't served. 5 MR. SENDEK: With the Court's permission, as we are 6 seeming to drift into the notice question, Mr. Klein is --7 THE COURT: Okay. 8 MR. SENDEK: -- is more on top of that, than I am, 9 which says -- again --10 THE COURT: Well, let me ask --11 MR. SENDEK: -- doesn't go to the fourth --12 THE COURT: I -- you're right, the Detroit pleading 13 that asserts the lack of notice is actually the objection to 14 the motion to amend; that's the one that asserts the lack of 15 notice. This motion doesn't, and I'm not sure there is one 16 that specifically does. But the issues there -- I'm still 17 confused as to whether the debtor is taking the position 18 that -- as I said, if someone in fact asserts that they didn't 19 get any notice --20 MR. SENDEK: Well, I believe --21 THE COURT: -- except maybe hearing about it somehow, 22 in the -- you know, through the ether, which -- to me they 23 would only have heard about the fact that others would be 24 potentially sued because they didn't get notice of the motion, 25 so they could assume they weren't affected by it. I'm just --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 $_{3\,0\,0}$ - 11 Pg 304 of 944

1	MR. SENDEK: But
2	THE COURT: I'm having troubles
3	MR. SENDEK: Your
4	THE COURT: with the order.
5	MR. SENDEK: Your Honor, while
6	THE COURT: With the fourth order. Not
7	MR. SENDEK: while that wasn't
8	THE COURT: Not really for the point that it was based
9	upon a different rationale
10	MR. SENDEK: Each
11	THE COURT: per se. But it's simply because there
12	was ex parte and I think can be reviewed my view is should
13	be reviewed de novo, at this point.
14	MR. SENDEK: While I while that isn't keyed up in
15	this motion, and I'm not prepared to respond chapter and verse,
16	nor is Ms. Teen (ph.), but Mr. Klein has a little more to say
17	about it.
18	THE COURT: Okay.
19	MR. SENDEK: But I will say this, my recollection is
20	that from the July transcript as I recall it, was that the
21	Court was did believe that there were questions of fact
22	rolled up into this whole notion of notice, there could be
23	notice in one form or another. Perhaps from the ECF filing,
24	perhaps from the disclosure statement, perhaps from the public
25	filings that took place by Delphi.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 1} - 11 Pg 305 of 944

- 1 And with that, I probably said enough so I'll let Mr.
- 2 Klein continue.
- 3 MR. KLEIN: Your Honor, I won't beat the first part to
- 4 death, which is we truly are surprised, and thus are not as
- 5 prepared as we wish we were for such, for what we acknowledge
- 6 is, a very important issue. We appreciated it a year ago, and
- 7 we appreciate now Your Honor's concern with the issue. First,
- 8 it --
- 9 THE COURT: I mean, I do -- page 225, "My preliminary
- 10 view is that people who truly did not get notice of the
- 11 extension motions can argue their merits on the merits. It's
- 12 not a Rule 60 requirement."
- MR. KLEIN: And absolutely, we read it, and, you know,
- 14 perhaps we focused on preliminary view.
- 15 THE COURT: And then I just say, "But that leaves a
- 16 factual issue as to who got the notice and who didn't and what
- 17 do people know."
- MR. KLEIN: I absolute -- this is absolutely an issue
- 19 in the case, and in fact, the discussion we're having now is
- 20 the same discussion that we would have on all of the other
- 21 motions that weren't on the agenda today. But I really don't
- 22 want to argue -- we're talking about it --
- THE COURT: All right.
- MR. KLEIN: -- and we'll do our best. That's not my
- 25 point.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 2} - 11 Pg 306 of 944

- 1 THE COURT: Okay.
- MR. KLEIN: I just hope the Court accepts that we had
- a different understanding of the agenda. I'll leave it at
- 4 that.
- 5 UNIDENTIFIED SPEAKER: Your Honor, if I can ---
- 6 THE COURT: All right. And to be fair, the actual
- 7 motions, you know, which I have here, in a much smaller binder
- 8 than the six -- plus six binders on the motion to amend, don't,
- 9 you know, don't, like, deal with that issue. But I guess, this
- 10 now turns to Wells Fargo's counsel's issue. I mean, it should
- 11 be, in my mind, on the top of the agenda after you guys finish
- 12 the items that I just dealt with you on.
- 13 And I can give you a preliminary view on that too,
- 14 which is I am of the view that the grounds for the fourth
- 15 extension were a lot weaker than the grounds for the first
- 16 three. And the issue of prejudice to both sides is not as
- 17 evenly balanced, I think, as it was before. So, I think that's
- 18 something for people to think about, and maybe tee those notice
- 19 issues up right away --
- MR. KLEIN: Are you --
- 21 THE COURT: -- to avoid further discovery on other
- 22 issues. I mean, if people -- there's affidavits of service. I
- 23 mean, there's got to be something to suggest that someone did
- 24 have notice.
- 25 MR. KLEIN: Well, can I give an example of why it's

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 3} - 11 Pg 307 of 944

- 1 not necessarily that simple?
- THE COURT: Okay.
- 3 MR. KLEIN: Doshi Prettl and I've -- Detroit -- they
- 4 now have a new name and I'm drawing a blank on what it is, but
- 5 they're the ones who brought the primary motion here. They
- 6 were represented in this action. They filed the claim. Their
- 7 attorney withdrew prior to this action. So, it's -- when we
- 8 dig into the facts, it's not always going to be as black and
- 9 white, as note --
- 10 THE COURT: Okay.
- MR. KLEIN: -- but that's obviously only illustrative.
- 12 It doesn't deal with the broader issue.
- THE COURT: But they didn't get notice of the motion,
- 14 though.
- 15 MR. KLEIN: They didn't get notice of the motion, Your
- 16 Honor. Or I shouldn't say they didn't -- I will --
- MS. HAFFEY: We don't know.
- 18 MR. KLEIN: I will accept, but no, I will --
- 19 THE COURT: Well, there's a stipulative service. I
- 20 mean, that's prima facie evidence of who got notice.
- 21 MR. KLEIN: I will accept for purposes of this
- 22 discussion that there are defendants who did not receive formal
- 23 service --
- THE COURT: Okay.
- 25 MR. KLEIN: -- of the motions, you know, that needs to

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 4} - 11 Pg 308 of 944

- 1 be assumed for purposes of this. I don't think -- first of
- 2 all, I don't think it's apt to frame the question as whether
- 3 they're bound if they had no notice. I don't think people are
- 4 bound by procedural orders of this sort. Certainly they're
- 5 effective, but the Court made no determination of any right of
- 6 theirs, and -- so, I think it's not the same as if you rendered
- 7 judgment against them without them having notice. It's
- 8 fundamentally different from that issue.
- 9 THE COURT: That's fair, but on the other hand how
- 10 much can -- well, I'll leave it at that. I do have some
- 11 serious doubts as to how much the debtor can said to be
- 12 prejudiced by undoing this, given that there wasn't that
- 13 notice, particularly when it was represented that there was in
- 14 the actual motion.
- 15 MR. KLEIN: Well, I'd like to address that. And,
- 16 well, I mean, one, plainly we're severely prejudiced. Putting
- 17 aside balancing, we would lose claims that we otherwise would
- 18 have. That seems to me to be --
- 19 THE COURT: Well, the prejudice it would be, though,
- 20 how much would you have -- could be said to rely on such an
- 21 order.
- MR. KLEIN: Judge --
- THE COURT: That would be the prejudice.
- MR. KLEIN: We rely on the orders of the Court, and I
- 25 don't mean to be glib, but --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 5} - 11 Pg 309 of 944

- 1 THE COURT: But if it's an order entered based upon a
- 2 representation that the people had been served, when in fact,
- 3 they hadn't been served. That's a real problem.
- 4 MR. KLEIN: I agree with you and let me address that.
- 5 THE COURT: Okay.
- 6 MR. KLEIN: Plain and -- I wasn't involved in the case
- 7 at the time, so I --
- 8 THE COURT: Right.
- 9 MR. KLEIN: Plainly, there was not an understanding,
- and I could imagine very sensible reasons for thinking that the
- 11 notice language in the -- case management will likely know what
- 12 the exact name of the order is -- applied here. First, it
- 13 would be inherently -- expecting this sort of notice, would be
- inherently inconsistent with the big picture series of orders
- 15 that were entered that provided for filing the cases under
- 16 seal, precisely to avoid creating the sorts of controversies
- 17 that would arise here. I mean, that was --
- 18 THE COURT: But that isn't -- that wasn't the basis
- 19 for the fourth extension.
- MR. KLEIN: Well, but it's inextricably tied to put
- 21 it -- the cases under seal. You can't -- I mean, the whole
- 22 point of the extension was to continue the status quo where
- 23 complaints hadn't been served.
- 24 THE COURT: But did -- the point as stated in the
- 25 motion and in the oral presentation was that the debtor needed

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 6} - 11 Pg 310 of 944

DPH HOLDINGS CORP., ET AL.

1 some more time to get his act together. That it changed from 2 the first three. And the fact that it changed, I accept. doesn't necessarily mean that it doesn't relate back. 3 4 think it does affect how I view the failure to serve. I'm not 5 sure it does fit into your argument. It might well fit into 6 the argument in regard to the first three orders, where the 7 premise was we don't want to raise issues when everyone's going 8 to get paid anyway, so, why create this issue. 9 But the fourth one, which is the one we're really 10 focusing on, is things have been happening so fast, Judge, with 11 our new plan, we don't really know who we should be suing at 12 this point. And I think that's, you know, that's a different 13 issue. And maybe that should be a point where people should say, well, we want to be sued at that point. We'd rather know. 14 15 MR. KLEIN: Judge, my recollection of the grounds for 16 the fourth extension was a little more complicated than that. 17 THE COURT: Well, you know what? They all got sued 18 after all, didn't they? There were 177, and 177 got sued. So, 19 there was not winnowing out process, and frankly there was no 20 refinement process either as we've been learning over the last several months. So, why don't we leave at that? 21 22 My view -- and now we can turn to the next step -- is 23 that after the final issues on the motion that I've been 24 hearing today on Rule 15, or I've been dealt with, but I've

given you the timetable for those. To the extent that I am

25

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 7} - 11 Pg 311 of 944

- 1 prepared to grant the motion to amend, the next issue is
- 2 another gate keeping issue, which is the, whether you want to
- 3 call it a Rule 60 issue or simply an amendment of a
- 4 interlocutory order issue, and I think that all depends upon
- 5 reconsideration of the October order, October 2009 order. And
- 6 that does hinge on notice. And the parties need to focus on
- 7 whether there really are any notice issues here.
- 8 As I said in July, there have been affidavits
- 9 submitted by people, and I didn't require people to resubmit
- 10 them. The debtor has them. I think it's really incumbent upon
- 11 the debtor to answer those series of, what I will deem to be,
- motions to amend that order, either under Rule 60 or under my
- general power to reconsider my own interlocutory orders and/or
- 14 the local rules. And there should be a date for the debtors to
- 15 respond, I think, and fixture cut date on that, as to whether
- they actually dispute that people got notice.
- 17 MR. KLEIN: Your Honor, can I ask a clarifying
- 18 question?
- 19 THE COURT: Sure.
- 20 MR. KLEIN: Are you ruling that formal service is the
- 21 only relevant issue and that knowledge through any other source
- is not relevant to this question?
- 23 THE COURT: I'm not prepared to do that but the debtor
- 24 needs to say something more than we think they had knowledge.
- MR. KLEIN: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 8} - 11 Pg 312 of 944

- 1 THE COURT: I mean, I think it has to -- I want to see
- what the debtor says on that before I rule on that.
- 3 MR. KLEIN: Okay. I mean I'll --
- 4 THE COURT: I mean, if it was -- I haven't ruled on
- 5 this but I could see a spectrum which is we had public filings
- 6 that referred to the disclosure statement and so you could be
- 7 deemed to have read the public filings and therefore deemed to
- 8 have read the disclosure statement to we have an affidavit of
- 9 Mr. X from Delphi who specifically spoke to Mr. Y at Doshi
- 10 about this issue. It's that level of spectrum.
- MR. KLEIN: I'll make one further comment and then
- 12 I'll sit down. A few minutes ago Your Honor made a reference
- 13 to loading it through the ether, or words to that effect.
- 14 Is --
- 15 THE COURT: Well, that's the equivalent of there being
- 16 a 10-K on file, we're talking.
- 17 MR. KLEIN: Well, I just wanted to make a quick point,
- 18 and many of us in this room are from Detroit and work in the
- 19 auto industry and Delphi's bankruptcy wasn't something in the
- 20 ether. There was acute focus and attention throughout the
- 21 industry.
- THE COURT: Well, but it's more than Delphi's
- 23 bankruptcy. Just the fact that Delphi was in bankruptcy isn't
- 24 going to be enough, obviously.
- 25 MR. KLEIN: No, I agree. My only point is this isn't

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 0 9} - 11 Pg 313 of 944

- 1 a situation that other than through some miraculous
- 2 happenstance, no one could have --
- 3 THE COURT: I appreciate -- that's why I say there's a
- 4 spectrum here.
- 5 MR. KLEIN: Okay. Thank you, Your Honor.
- 6 THE COURT: Okay.
- 7 MR. NAYAK: Your Honor, Mahesh Nayak again. I'm just
- 8 wanting to get clarification. You mentioned some time frames
- 9 that you would like to see this within --
- 10 THE COURT: Yes.
- MR. NAYAK: -- and I also want to understand from Your
- Honor how you view this should happen, whether it should be
- 13 part and parcel of the -- is this a predicate or a predecessor
- 14 to the debtors' motion for leave to amend that they can
- 15 affirmatively somehow establish that service was accomplished
- 16 to Your Honor's satisfaction, that we would oppose that, there
- 17 would be a hearing on it in advance of a motion for leave to
- 18 amend? Because it seems like a motion for leave to amend, Your
- 19 Honor --
- THE COURT: That's a good question. I think it partly
- 21 depend -- I'm not sure there's a difference as far as burden is
- 22 concerned; if I treat this as step two of their leave to amend
- or if I treat this as everyone's request for me to take another
- look at the October order since ultimately the issue is -- I
- 25 think there's -- in each case, there's a fairly modest burden

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₀ - 11 Pg 314 of 944

- on the debtor in either case. But maybe I'm wrong about that.
- I mean, ultimately it is part of -- I think a 15
- 3 showing to me, ultimately, because it's the futility argument.
- 4 Rule 15 is -- you know, it's a fairly light burden, ultimately,
- 5 but -- and I think the futility point here goes back to
- 6 reconsideration of my order so again, there's some slight
- 7 burden on the debtor.
- 8 MR. NAYAK: Slight burden on the debtor with respect
- 9 to the --
- 10 THE COURT: Under either -- whether I do it under
- 11 either approach. But I guess it's probably best done as part
- 12 two of a Rule 15 motion.
- 13 UNIDENTIFIED SPEAKER: -- the timing, Your Honor?
- 14 THE COURT: Well, I think step one of this part two
- 15 would be the defendants' assertion of their facts as to notice
- and step two of it would be the debtors' response.
- 17 UNIDENTIFIED SPEAKER: Understood.
- 18 MR. KLEIN: Your Honor, I assume this is only with
- 19 respect to defendants who have filed an affidavit as to filing
- 20 notice?
- 21 THE COURT: Have or will? I mean, we specifically
- 22 didn't make notice part of this hearing, so --
- MR. KLEIN: Well, no but there's -- the relevant
- 24 motions were filed a year ago.
- THE COURT: Oh, you don't have to refile one -- you

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₁ - 11 Pg 315 of 944

- don't have to refile one, but --
- MR. KLEIN: Maybe my question wasn't clear.
- 3 THE COURT: Okay.
- 4 MR. KLEIN: There is already a population of
- 5 defendants; this was briefed over a year ago.
- 6 THE COURT: Right.
- 7 MR. KLEIN: Defendants raised these issues, certain of
- 8 them.
- 9 THE COURT: Right.
- 10 MR. KLEIN: Defendants filed affidavits asserting
- 11 those issues.
- 12 THE COURT: Right. And they don't have to refile
- 13 them; I've said those are live issues.
- MR. KLEIN: I agree, but that's what we're responding
- 15 to.
- 16 THE COURT: Yes.
- 17 MR. KLEIN: That was my question.
- 18 THE COURT: Well, or -- no, or those who've filed them
- 19 since then.
- MR. KLEIN: Okay.
- 21 THE COURT: In response to the motion to dismiss.
- MR. KLEIN: Okay. I want to make sure we're not --
- 23 THE COURT: Because again, those issues, as we --
- 24 about half an hour ago we said are not part of this hearing.
- MR. KLEIN: What's in the record as of today is --

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₂ - 11 Pg 316 of 944

- 1 THE COURT: No. No, I don't think so because again --
- 2 and I appreciate that counsel for Doshi and other counsel may
- 3 have reviewed the December transcript and thought that those
- 4 issues were for part of this hearing, but I've concluded they
- 5 aren't. So I don't think people should be closed out by not
- 6 having raised them. You don't have to repeat them, because
- you've already done it, those who have done, but I don't think
- 8 people should be closed out for not having raised them because
- 9 it wasn't part of this hearing. I've already ruled that.
- MS. GRUBIN: Well, Your Honor, perhaps people should
- 11 not be foreclosed for filing affidavits subsequent to today.
- 12 THE COURT: That's what I just said.
- MS. GRUBIN: I wanted to make it clear, Your Honor.
- 14 THE COURT: You said it more clearly. You said it
- 15 more clearly.
- UNIDENTIFIED SPEAKER: And, Your Honor, I apologize
- 17 because I think I'll be repeating you too, but the vehicle to
- 18 make this happen will be a motion that must be brought by the
- 19 debtor.
- 20 THE COURT: Is part two of the objection -- I'm sorry.
- 21 Part two of the objection to the Rule 15 motion.
- 22 UNIDENTIFIED SPEAKER: Part two to the objection to
- 23 the Rule 15 motion.
- 24 THE COURT: Yes. Yes. And you ought to wait to see
- 25 what complaints survive and then you can file your objection.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₃ - 11 Pg 317 of 944

- 1 I'm assuming most people want to get that done sooner rather
- 2 than later, so you should do that promptly. I don't want to --
- I don't want to have new people holding back the people who
- 4 have already filed their affidavits already. So I don't know
- 5 how soon people want to do that. I don't know if you want to
- 6 meet and confer over that, you know, give yourself thirty days,
- 7 twenty days; I don't care. It's up to you.
- 8 And the debtor should respond to that promptly. I'm
- 9 assuming the debtors' thought about this and should do it
- 10 within again, I would say two to three weeks.
- MR. APPLEBAUM: Your Honor, I'm sorry; entirely my
- 12 fault, I'm confused.
- We've already fi -- Doshi has already filed --
- 14 THE COURT: I'm just -- no, it's everyone else. The
- 15 other folks.
- MR. APPLEBAUM: No, no. I appreciate that; I'm just
- 17 trying to -- a very prosaic issue. We've already filed our
- 18 affidavits in connection with our opposition papers --
- 19 THE COURT: Right.
- MR. APPLEBAUM: -- for us --
- 21 THE COURT: Right.
- MR. APPLEBAUM: -- in this what is now going to be
- 23 part two of the Rule 15. I'm just trying to understand
- 24 procedurally what I need to do. Is now the burden on the
- 25 Butzel firm or the Togut firm, depending I guess on who the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₄ - 11 Pg 318 of 944

- 1 attorney is representing them in that conflict situation, but
- 2 the reorganized debtor to respond to our affidavits or to sit
- 3 down with us --
- 4 THE COURT: Yes. I think -- yes. But the timing will
- 5 have -- I mean, I don't see why they should do it piecemeal. I
- 6 think the timing should be worked from a set deadline that's
- 7 not too far off from now to give people a chance to put in
- 8 their affidavit now who haven't so far --
- 9 MR. APPLEBAUM: And then the idea is --
- 10 THE COURT: -- we've got unduly delaying people like
- 11 you who have already done that.
- MR. APPLEBAUM: I understand. So you'll set a date
- 13 then by that date they have to respond to everyone --
- 14 THE COURT: Right. Right.
- 15 MR. APPLEBAUM: -- as to whether or not they agree or
- 16 disagree.
- 17 THE COURT: Right.
- 18 MR. APPLEBAUM: And then it's your hearing.
- 19 THE COURT: And my only thought here is whether I
- 20 should expand the issue here beyond the notice issue to issues
- of prejudice or not and my inclination is -- well, I don't
- 22 know. My inclination is probably not, because I'm sort of
- 23 already have -- have my analysis in mind, and it really depends
- 24 on notice.
- MR. APPLEBAUM: Um-hum.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₅ - 11 Pg 319 of 944

- 1 THE COURT: In other words, it means less to me that
- 2 someone did transaction X and someone else's CEO went to firm Y
- 3 than that they got notice or not.
- 4 MR. APPLEBAUM: Understood. Thank you.
- 5 THE COURT: So does it make sense to give a final date
- on this issue of notice for thirty days from today and then
- 7 give the plaintiff three weeks to respond? Not from today, but
- 8 from my issuance of an order on the first part of the motion to
- 9 dismiss?
- MR. APPLEBAUM: I don't want to speak for all the
- 11 defendants in the room, but do we really need that much time,
- 12 even? I mean, I don't want to create too much of a long
- 13 timeline, but it's --
- MR. SILVERSCHOTZ: May I address Your Honor on that
- 15 point?
- 16 THE COURT: Okay. I'm also happy to have you all meet
- 17 and confer, talk to your clients about it and then set up a
- 18 call next week about it too, that's on the record. So, you
- 19 know, because you don't have your clients here. I don't know
- 20 how much you've thought about this -- not just you, but
- 21 everyone.
- MR. SILVERSCHOTZ: Good evening, Your Honor, Mark
- 23 Silverschotz, Reed Smith, for Wells Fargo. I'm here with my
- 24 partner, Derek Baker, whose pro hac motion is pending.
- THE COURT: Okay.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₆ - 11 Pg 320 of 944

- 1 MR. SILVERSCHOTZ: I don't like to speak before 6:30,
- 2 so I've waited until now.
- 3 THE COURT: Okay.
- 4 MR. SILVERSCHOTZ: Your Honor, just on the procedural
- 5 matter, we're going to put in our affidavit, but the only
- 6 concern we have with respect to that affidavit is how the Court
- 7 would like the facts framed. To the extent that we're putting
- 8 in a factual assertion that attempts in essence to prove the
- 9 negative, where we've received no notice of anything at any
- 10 time, it's a -- it's a style point, I suppose.
- 11 THE COURT: Well, look -- I understand. There's the
- documentary evidence; there's no affidavit of service, for
- 13 example, I'm assuming. But that's point one on your affidavit
- 14 and then we don't know. I mean, other than that we didn't
- 15 know.
- MR. SILVERSCHOTZ: And the debtor could respond as
- 17 they see fit.
- 18 THE COURT: Debtor can respond. Yes.
- MR. SILVERSCHOTZ: Okay. That's fine, Your Honor.
- We'll say what we can't say.
- 21 THE COURT: All right.
- MR. SILVERSCHOTZ: Thank you, Your Honor.
- THE COURT: Okay.
- 24 MS. HAFFEY: Your Honor, without knowing the different
- 25 factual scenarios that are going be presented to us, I perceive

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₇ - 11 Pg 321 of 944

- 1 that plaintiffs are going to need to have the opportunity at
- least to do discovery on some of these matters. And as counsel
- 3 just pointed out, these are going to be factual affidavits and
- 4 in order for us to be able to explore those facts and determine
- 5 whether or not there was actual notice, I don't know how we'd
- 6 do that without some discovery.
- 7 MR. NAYAK: Your Honor, Mahesh Nayak. Briefly, based
- 8 on the extended time we were on the record, you made it clear
- 9 that these things would have to happen pre-discovery, without
- 10 discovery, and would be decided as a matter of law. And we
- 11 also discussed the fact as --
- 12 THE COURT: I think, given the apparent lack of
- 13 service of the fourth extension motion, the debtor should have
- something already in hand before they're entitled to additional
- 15 discovery. I just -- you know, you've got to know something.
- 16 And again, this issue is flagged in July. I
- 17 understand there's not been discovery since July but I just
- 18 think the debtor should -- given the lack of service --
- 19 apparent lack of service. If you could show me someone was
- 20 actually served, it's a different story. But I think given the
- 21 apparent lack of service I don't see why there should be
- 22 discovery. I mean, there's got to be something to show that
- 23 they had notice other than that.
- MS. HAFFEY: Well, again, I guess it's the difference
- 25 between notice and actual notice, Your Honor. And to counsel's

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₈ - 11 Pg 322 of 944

- 1 point about --
- 2 THE COURT: Well, but -- but the point was that it
- 3 wasn't -- what was said to have been provided wasn't provided
- 4 so I think something else has to step in place to do it and
- 5 going on a fishing expedition for it now is a little late. I
- 6 understand your firm didn't do the notice in October.
- 7 MS. HAFFEY: And it's not just a matter of fishing
- 8 notice, Your Honor -- or fishing expedition, Your Honor, but
- 9 the reorganized debtors, of course, aren't New Delphi and to
- 10 your example earlier, in regards to maybe someone at Old Delphi
- 11 had a conversation with one of these suppliers, that's not my
- 12 client.
- MR. SULLIVAN: We also didn't ask -- Your Honor, it
- 14 was the debtor that obviously sought these extension motions.
- 15 I mean, this is the debtors' bed to make.
- 16 MS. HAFFEY: Well, it is -- the debtor did what it --
- 17 THE COURT: I need to see some -- I think I need to
- 18 see some fact on notice before I'll say that there should be
- 19 more discovery -- that there should be any discovery. I mean,
- 20 there should be something; I just -- albeit in the context of
- 21 some responses to the motions to amend, I have seen several
- 22 affidavits where people said they didn't get anything.
- 23 And affidavits don't count when there's a certificate
- of service because there's a presumption of mailing. But that
- 25 didn't happen.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1₃₁₉ - 11 Pg 323 of 944

- 1 MS. HAFFEY: Well, and it -- I think what --
- 2 THE COURT: If it did happen, it's different. Then
- 3 you're going to be entitled to discovery and you'll get to the
- 4 next stage of this saga but if they're not on the certificate
- of service, then I think the burden's more on you guys at that
- 6 point.
- 7 MS. HAFFEY: In regards to timing, then, Your Honor,
- 8 since we don't know yet how many defendants are going to, in
- 9 the next several days --
- 10 THE COURT: Right.
- MS. HAFFEY: -- provide us with declarations, I would
- just ask that we set the time for the debtors to respond
- 13 until -- and maybe set a date in which the defendants will
- 14 provide us with their declarations and we'll look at the number
- 15 then and set a time for us to respond. I think we're at this
- 16 stage kind of doing that in a vacuum without knowing.
- 17 THE COURT: Okay. I think that's fair.
- MS. HAFFEY: Thank you.
- MR. WURST: Judge, that's exactly the point I wanted
- 20 to address. This -- I'm sorry, Jeff Wurst for Wells Fargo,
- 21 case 07-02597, to be distinguished from the 02720.
- The gestation period for this motion is now longer
- 23 than that for a human being. This motion was filed September
- 7th and it's now nine and a half months --
- THE COURT: Well, I know, but that's not -- I mean,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 2 0} - 11 Pg 324 of 944

- 1 there are a lot of people who had their hand in that.
- MR. WURST: No -- well, I understand that. And part
- of trying to accommodate everyone's dates has dragged that out
- 4 and --
- 5 THE COURT: Right.
- 6 MR. WURST: -- where some of us had preferred earlier
- 7 to go the individual route, we could have been home watching a
- 8 ballgame by now. But --
- 9 THE COURT: That's because we wouldn't even have had
- 10 the hearing.
- MR. WURST: I'm encouraging to move this as quickly as
- 12 possible.
- 13 THE COURT: So my view is that you should set a date.
- 14 I don't hear anyone leaping and saying that thirty days is too
- 15 short. I hear someone saying thirty days is too long. Do you
- 16 want to make it twenty-one days?
- 17 UNIDENTIFIED SPEAKER: Your Honor, can we make it ten?
- 18 Unless any defendant has an objection?
- 19 UNIDENTIFIED SPEAKER: No.
- 20 MR. THOMAN: This is Jim Thoman for Unifrax. I object
- 21 to ten days.
- 22 THE COURT: Okay. All right. Why not three weeks
- 23 from today?
- UNIDENTIFIED SPEAKER: Thank you, Judge.
- 25 UNIDENTIFIED SPEAKER: Judge?

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 21} - 11 Pg 325 of 944

DPH HOLDINGS CORP., ET AL.

- 1 THE COURT: Okay, and then as far as the debtors'
- 2 response, my inclination would be to have it be three weeks
- from then. However, if they get seventy-seven of these, then
- 4 it might be a couple weeks longer than that. Okay?
- 5 Did you have a question, Ms. Grubin, or are you just
- 6 getting ready to leave?
- 7 MS. GRUBIN: No, I did have a question, Judge.
- 8 THE COURT: Okay. All right.
- 9 MS. GRUBIN: Just at the point of clarification, we
- 10 still are expecting from the debtors documents --
- 11 THE COURT: Well, those other deadlines are still in
- 12 effect.
- MS. GRUBIN: -- on Monday.
- 14 THE COURT: Yes, on part one of the Rule 15 motion.
- 15 MS. GRUBIN: Okay. And could you so order the record,
- 16 Your Honor?
- 17 THE COURT: There's no such thing. I mean, everyone
- 18 is relying upon the record and I am perfectly prepared to issue
- 19 an order consistent with the record, but everyone's relying
- 20 upon it and that's my ruling, so that that's what should
- 21 happen. That's what will happen.
- MS. GRUBIN: Okay.
- 23 THE COURT: It's the same thing but there's no dot --
- there's no reordering a record.
- MS. GRUBIN: Thank you, Judge.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 2 2} - 11 Pg 326 of 944

DPH HOLDINGS CORP., ET AL.

- 1 THE COURT: In my view, at least. Okay.
- MS. HAFFEY: Your Honor, one housekeeping matter? And
- 3 this relates back to the motions to amend and the blanks
- 4 that --
- 5 THE COURT: Yes.
- 6 MS. HAFFEY: -- that this Court said, prior to lunch,
- 7 that it may entertain the opport -- allowing the reorganized
- 8 debtors to be able to provide a amended exhibit so that it
- 9 would provide antecedent debt information in?
- 10 THE COURT: I don't remember -- that was not my view.
- 11 The issue was whether I would permit you all to amend -- to
- 12 make a motion to amend. I'm going to see how this exercise
- 13 shakes out over the next week or so --
- MS. HAFFEY: Okay.
- 15 THE COURT: -- before I decide that. My view, though,
- 16 is that there should be some costs on any motion to amend here
- 17 because -- on this point. It just seems to me that it's an
- 18 issue that was pretty obvious and my inclination is if I allow
- it all, the cost of responding to it would be picked up by the
- 20 estate.
- 21 I don't like repeated motions to amend where I think
- 22 it should have been dealt with in advance. I just -- you know,
- 23 if you were able to tell this to me today, I don't know why you
- 24 weren't able to tell it in the complaint when it was filed.
- 25 MS. HAFFEY: And all I can tell Your Honor is it was

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1_{3 2 3} - 11 Pg 327 of 944

DPH HOLDINGS CORP., ET AL.

- 1 just a matter of my client digging into its documents and --
- THE COURT: I understand, but on the other hand,
- 3 that's what I had granted 180 days after the effective date of
- 4 the fourth plan, so that these things could be done. And they
- 5 weren't. So that's if I granted any leave to amend at all.
- 6 So --
- 7 MS. HAFFEY: Okay.
- 8 THE COURT: -- I mean, to file a motion to amend,
- 9 which obviously incur -- people have to spend money answering
- 10 or responding to.
- MS. HAFFEY: Thank you, Your Honor.
- 12 THE COURT: Okay.
- 13 IN UNISON: Thank you, Your Honor.
- 14 THE COURT: You look puzzled.
- 15 UNIDENTIFIED SPEAKER: I am puzzled.
- 16 THE COURT: About what?
- 17 UNIDENTIFIED SPEAKER: Where we are in proceeding on
- 18 where there are blanks.
- 19 THE COURT: They don't have leave to amend.
- 20 UNIDENTIFIED SPEAKER: They don't have leave to amend?
- 21 THE COURT: Not yet. I'm not granting them.
- 22 UNIDENTIFIED SPEAKER: So that's the thing.
- THE COURT: Yes.
- 24 (Whereupon these proceedings were concluded at 6:45 PM)

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4	RULINGS		
5		Page	Line
6	Debtors will provide definitive response to	82	17
7	defendants presenting assumption notice or		
8	claim under 8.1 within 30 days		
9	Objections to Proposed Amended Complaints,	187	23
10	Overruled		
11	Proposed amended complaint meets the Rule 8	207	4
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1 2 CERTIFICATION 3 I, Dena Page, certify that the foregoing transcript is a true 4 5 and accurate record of the proceedings. 6 7 8 9 DENA PAGE 10 Also transcribed by: 11 Penina Wolicki, AAERT Certified Electronic Transcriber (CET**D-12 569) 13 Tzipora Geralnik, AAERT Certified Electronic Transcriber 14 (CET**D-489) 15 Pnina Eilberg, AAERT Certified Electronic Transcriber (CET**D-16 488) 17 Sara Davis, AAERT Certified Electronic Transcriber (CET**D-567) 18 Sharona Shapiro, AAERT Certified Electronic Transcriber 19 (CET**D-492)20 Miriam Greenman, AAERT Certified Electronic Transcriber 21 (CET**D-566) 22 Ellen Kolman, AAERT Certified Electronic Transcriber (CET**D-23 568) 24 Karen Schiffmiller, AAERT Certified Electronic Transcriber 25 (CET**D-570)

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- 7 200 Old Country Road
- 8 Suite 580
- 9 Mineola, NY 11501

11 Date: June 24, 2011

EXHIBIT 3

Hearing Date And Time: August 25, 2011 at 10:00 a.m. (prevailing Eastern time) Response Date And Time: August 18, 2011 at 4:00 p.m. (prevailing Eastern time

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 155 North Wacker Drive Chicago, Illinois 60606 John Wm. Butler, Jr. John K. Lyons Albert L. Hogan III Ron E. Meisler

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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)

;

: (Jointly Administered)

Reorganized Debtors.

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NOTICE OF REORGANIZED DEBTORS' MOTION UNDER 11 U.S.C. § 105 AND FED. R. BANKR. P. 9014 FOR LEAVE TO (I) SUPPLEMENT THE RECORD OF THE JUNE 21, 2011 HEARING AND (II) FILE THE REORGANIZED DEBTORS' STATEMENT REGARDING SERVICE OF THE FINAL EXTENSION MOTION

PLEASE TAKE NOTICE that on August 2, 2011, DPH Holdings Corp., on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), filed a Motion Under 11 U.S.C. § 105 And Fed. R. Bankr. P. 9014 For Leave To (I) Supplement The Record Of The June 21, 2011 Hearing And (II) File The Reorganized Debtors' Statement Regarding Service Of The Final Extension Motion (the "Motion").

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the Motion will be held on August 25, 2011 at 10:00 a.m. (prevailing Eastern time) (the "Hearing") before the Honorable Robert D. Drain, United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, Courtroom 118, White Plains, New York 10601-4140.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must

(a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure, the Local

Bankruptcy Rules for the Southern District of New York, the Supplemental Order Under

11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014

Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And

Administrative Procedures, entered March 20, 2006 (Docket No. 2883) ("Supplemental Case

Management Order"), and the Twenty-Third Supplemental Order Under 11 U.S.C. §§ 102(1)

And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing

Dates And Certain Notice, Case Management, And Administrative Procedures, entered May 3,

2011 (Docket No. 21251) (together with the Supplemental Case Management Order, the "Case

Management Orders"), (c) be filed with the Bankruptcy Court in accordance with General Order

M-242 (as amended) – registered users of the Bankruptcy Court's case filing system must file

electronically, and all other parties-in-interest must file on a 3.5 inch disk (preferably in Portable

Document Format (PDF), WordPerfect, or any other Windows-based word processing format), (d) be submitted in hard-copy form directly to the chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and (e) be served upon (i) DPH Holdings Corp., 5725 Delphi Drive, Troy, Michigan 48098 (Att'n: President), (ii) counsel to the Reorganized Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, 155 North Wacker Drive, Chicago, Illinois 60606 (Att'n: John Wm. Butler, Jr., John K. Lyons, Albert L. Hogan III, and Ron E. Meisler), (iii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, Suite 2100, New York, New York 10004 (Att'n: Brian S. Masumoto), and (iv) counsel for the agent under the Debtors' former postpetition credit facility, Davis Polk & Wardwell, 450 Lexington Avenue, New York, New York 10017 (Att'n: Donald S. Bernstein and Brian M. Resnick) in each case so as to be **received** no later than **4:00 p.m.** (**prevailing Eastern time**) **on August 18, 2011**.

PLEASE TAKE FURTHER NOTICE that only those objections made as set forth herein and in accordance with the Case Management Orders will be considered by the Bankruptcy Court at the Hearing. If no objections to the Motion are timely filed and served in accordance with the procedures set forth herein and in the Case Management Orders, the Bankruptcy Court may enter an order granting the Motion without further notice.

Dated: New York, New York August 2, 2011

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ John Wm. Butler, Jr.
John Wm. Butler, Jr.
John K. Lyons
Albert L. Hogan III
Ron E. Meisler
155 North Wacker Drive
Chicago, Illinois 60606

- and -

Four Times Square New York, New York 10036

Attorneys for DPH Holdings Corp., <u>et al.</u>, Reorganized Debtors Hearing Date And Time: August 25, 2011 at 10:00 a.m. (prevailing Eastern time) Response Date And Time: August 18, 2011 at 4:00 p.m. (prevailing Eastern time)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 155 North Wacker Drive Chicago, Illinois 60606 John Wm. Butler, Jr. John K. Lyons Albert L. Hogan III Ron E. Meisler

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DPH Holdings Corp. Legal Information Hotline:

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DPH Holdings Corp. Legal Information Website: http://www.dphholdingsdocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

-----X

In re : Chapter 11

.

DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)

(Jointly Administered)

Reorganized Debtors. : (Jointly Administration)

----x

REORGANIZED DEBTORS' MOTION UNDER 11 U.S.C. § 105 AND FED. R. BANKR. P. 9014 FOR LEAVE TO (I) SUPPLEMENT THE RECORD OF THE JUNE 21, 2011 HEARING AND (II) FILE THE REORGANIZED DEBTORS' STATEMENT REGARDING SERVICE OF THE FINAL EXTENSION MOTION

DPH Holdings Corp. ("DPH Holdings"), on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), formerly known as Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, former debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submits this Motion Under 11 U.S.C. § 105 And Fed. R. Bankr. P. 9014 For Leave To (I) Supplement The Record Of The June 21, 2011 Hearing And (II) File The Reorganized Debtors' Statement Regarding Service Of The Final Extension Motion (the "Motion"), and respectfully represents as follows:

Background

1. On June 21, 2011, this Court heard oral argument on the Reorganized Debtors' Motion For Leave To File Amended Complaints (Docket No. 20575). During that hearing, this Court instructed the preference defendants that had not already done so, to submit affidavits or declarations regarding such "defendants' assertion of their facts as to notice" with respect to the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion (Docket No. 18952) (the "Final Extension Motion") and for the Reorganized Debtors to respond to such affidavits. (Hr'g Tr. 310:14-16, Jun. 21, 2010).

Relief Requested

2. By this Motion, the Reorganized Debtors' request that this Court permit the Reorganized Debtors to file a statement, attached hereto as <u>Exhibit A</u> (the "Statement"), so as to supplement the information provided to the Court at the June 21, 2011, hearing, concerning notice of the Final Extension Motion. The Statement was prepared with assistance of counsel responsible for the service and prosecution of the Final Extension Motion.

Capitalized terms used and not defined in this statement have the meanings ascribed to them in the Final Extension Motion.

Basis for Relief

- 3. At the June 21, 2011, hearing, there apparently was some confusion regarding the scope of notice authorized by the Court with respect to the Final Extension Motion. Further, numerous preference defendants have now taken the position that service of the Final Extension Motion was improper. That assertion, however, is incorrect. The Debtors believe that the Statement will be helpful in demonstrating this fact by providing the complete history regarding service of the Final Extension Motion.
- 4. The Statement is also responsive to this Court's request that the Debtors submit information describing the "spectrum" of notice provided to the various preference defendants. (Hr'g Tr. 307-309; Jun. 21, 2010).
- 5. In accordance with the Court's request, the Reorganized Debtors' special counsel for avoidance actions will file an omnibus response responding to allegations in the preference defendants' declarations that such defendant did not receive notice of the Final Extension Motion. As set forth in the omnibus response, the preference defendants' objections regarding lack of notice of the Final Extension Motion should be overruled. In addition, the Reorganized Debtors are hereby requesting leave to file the Statement prepared with the assistance of counsel responsible for service and prosecution of the Final Extension Motion. The Reorganized Debtors believe that this statement provides a critical supplement to the notice information requested by the Court. The statement places the Final Extension Motion in context by describing the relevant proceedings over the course of more than two years that led to the motion, and demonstrates that limited service of the Final Extension Motion was both proper and transparent. Accordingly, the Court should grant the Reorganized Debtors request to file the statement and supplement the record concerning notice of the Final Extension Motion.

<u>Notice</u>

6. Notice of this Motion has been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883), and the Twenty-Third Supplemental Order Under 11 U.S.C. §§ 102(l) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered May 3, 2011 (Docket No. 21251). Based on the information provided by special counsel handling the Adversary Proceedings, notice of this Motion was given to all remaining preference defendants currently subject to a pending Adversary Proceeding. In light of the nature of the relief requested, the Reorganized Debtors submit that no other or further notice is necessary.

WHEREFORE, the Reorganized Debtors respectfully request that this Court (a) permit the Reorganized Debtors to supplement the record with respect to the hearing held on June 21, 2011 and (b) permit the Reorganized Debtors to file a statement regarding service of the Final Extension Motion.

Dated: New York, New York August 2, 2011

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ John Wm. Butler, Jr.
John Wm. Butler, Jr.
John K. Lyons
Albert L. Hogan III
Ron E. Meisler
155 North Wacker Drive
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- and -

Four Times Square New York, New York 10036

Attorneys for DPH Holdings Corp., et al., Reorganized Debtors

UNITED STATES BANKRUPTCY COURT	ľ
SOUTHERN DISTRICT OF NEW YORK	

-----X

In re : Chapter 11

DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)

Reorganized Debtors. : (Jointly Administered)

-----x

ORDER PURSUANT TO 11 U.S.C. § 105 AND FED. R. BANKR. P. 9014 FOR LEAVE TO (I) SUPPLEMENT THE RECORD OF THE JUNE 21, 2011 HEARING AND (II) FILE THE REORGANIZED DEBTORS' STATEMENT REGARDING SERVICE OF THE FINAL EXTENSION MOTION

Upon the motion, dated August 2, 2011 (the "Motion"), of DPH Holdings Corp. ("DPH Holdings"), on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), formerly known as Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, former debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), for entry of an order pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9014 for leave to (i) supplement the record of the June 21, 2011 hearing and (ii) file the Reorganized Debtors' statement regarding service of the final extension motion; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record of the August 25, 2011 hearing on the Motion; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

_

Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

ORDERED, ADJUDGED, AND DECREED THAT:²

- 1. This Court has core jurisdiction over these chapter 11 cases and the parties and property affected hereby to consider the relief described herein pursuant to 28 U.S.C. §§ 157 and 1334, article XIII of the First Amended Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In-Possession (As Modified), and paragraphs FF and 56 of the Plan Modification Order, dated July 30, 2009 (Docket No. 18707). Venue of this proceeding and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
 - 2. The Motion is GRANTED.
- 3. This Court shall retain original and exclusive jurisdiction to hear and determine all matters arising from or relating to the implementation of this order.

Dated: White Plains, New York		
August, 2011		
	UNITED STATES BANKRUPTCY JUDGE	

Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. See Fed. R. Bankr. P. 7052.

EXHIBIT 3A

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 344 of 944

Hearing Date and Time: August 25, 2011 at 10:00 a.m. (prevailing Eastern time)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 155 North Wacker Drive Chicago, Illinois 60606 John Wm. Butler, Jr. John K. Lyons Albert L. Hogan, III Ron E. Meisler

- and -

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Attorneys for DPH Holdings Corp., et al., Reorganized Debtors

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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

----- X

In re : Chapter 11

DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)

Reorganized Debtors. : (Jointly Administered)

----- X

REORGANIZED DEBTORS' STATEMENT IN OPPOSITION TO DECLARATIONS FILED BY CERTAIN PREFERENCE DEFENDANTS REGARDING SERVICE OF THE SUPPLEMENTAL POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE MOTION

(REORGANIZED DEBTORS' 4(M) SERVICE STATEMENT)

DPH Holdings and its affiliated reorganized debtors in the above-captioned cases (collectively, the "Reorganized Debtors"), formerly known as Delphi Corporation and certain of its subsidiaries and affiliates, former debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), submit this statement concerning the declarations filed by certain preference defendants (the "Declarations") regarding service of the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion (Docket No. 18952) (the "Final Extension Motion"), attached as Exhibit A hereto.

INTRODUCTION

1. This Statement responds to allegations in the Declarations that the Debtors' service of the Final Extension Motion was improper because certain preference defendants were not served with the Final Extension Motion and service was not in accord with the Supplemental Case Management Order (defined below). This Statement has been prepared with the assistance of the Reorganized Debtors' counsel of record that was responsible for service and prosecution of the Final Extension Motion in the Debtors' consolidated cases in October 2009. Such counsel did not participate in the June 21, 2011 hearing regarding individual adversary proceedings (which have been prosecuted since 2009 by special counsel) at which hearing there was apparently some confusion regarding the scope of notice authorized by this Court with respect to the Final Extension Motion. Because these issues were left unresolved at the conclusion of the June 21 hearing, the Reorganized Debtors' have compiled the relevant history to show that service of the Final Extension Motion was both proper and transparent.

Capitalized terms used and not defined in this statement have the meanings ascribed to them in the Final Extension Motion.

- Debtors' consolidated chapter 11 cases, the Final Extension Motion was *not* served on individual preference defendants *except* with respect to a very small list of defendants to whom service was directed by the Court and those parties with potential preference exposure that had determined to monitor the Debtors' chapter 11 cases and receive notices through the master or 2002 service lists by filing an appearance in the Debtors' chapter 11 cases. This limited service of the Final Extension Motion was not improper; to the contrary, the Final Extension Motion, like every other extension motion, was, by definition, an *ex parte* proceeding, the service scheme was identical with every other extension motion, had been established by disclosure and discussion with the Court, and the order approving the Final Extension Motion—just like all prior extension orders—provided that the preference defendants would *not* receive service of that order until they were served with a complaint.
- 3. Indeed, to have required immediate service of the Final Extension Motion on all preference defendants in October 2009 would have defeated the very purpose of the Final Extension Motion, which, like the previous extension motions, was to keep the complaints sealed and avoid unnecessary litigation costs while the Debtors determined whether or not they would proceed with various preference actions. The fact that the Reorganized Debtors ultimately proceeded with the prosecution of most of the remaining avoidance actions does not vitiate either the good cause demonstrated at the October 2009 hearing, or the relief granted by this Court with respect to the Final Extension Motion.

BACKGROUND

4. <u>Preservation of Estate Claims Procedures Order</u>. On August 16, 2007, the Court entered the Preservation of Estate Claims Procedures Order (Docket No. 9105) which,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 347 of 944

among other things, (i) authorized the Debtors to file complaints in the adversary proceedings pertaining to avoidance actions under seal, (ii) stayed each adversary action unless and until the Debtors made service of process on the respective defendants, and (iii) extended to March 31, 2008, the deadline under Federal Rule of Civil Procedure 4(m) by which the Debtors would have to serve process, so that the complaints would not be subject to dismissal under Federal Rule of Civil Procedure 4(m). (Preservation of Estate Claims Procedures Order ¶ 7-9, attached as Exhibit B hereto.) Such relief was intended to allow the Debtors to "preserve potentially valuable assets without disrupting the plan process or existing business relationships prematurely or prejudicing the rights of any defendants." (Preservation of Estate Claims Procedures Motion ¶ 34 (Docket No. 8905), attached as Exhibit C hereto.) In addition, while the Preservation of Estate Claims Procedures Motion was served on only the master and 2002 service lists² (Aff. of Serv. (Docket No. 9039)), the Preservation of Estate Claims Procedures Order provided that: "The Debtors must serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on the defendant or as soon thereafter as practicable." (Preservation of Estate Claims Procedures Order ¶ 11 (emphasis added).) In accordance with the Preservation of Estate Claims Procedures Order, the Debtors commenced 742 adversary proceedings (the "Adversary Proceedings") by filing complaints under seal. None of those complaints, however, were served at that time.

5. <u>First Extension Motion</u>. As the March 31, 2008, deadline to serve complaints in the Adversary Proceedings approached, the Debtors had not yet substantially

Based on the information provided by special counsel handling the Adversary Proceedings, preference defendants—or their counsel either directly or indirectly by notice to such counsel's firm—in 19 of the 77 remaining Adversary Proceedings received actual notice of the Preservation of Estate Claims Procedures Motion (14 on the master or 2002 service lists, 9 by electronic notification through the Court's ECF system—4 received both forms of notice).

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 348 of 944

consummated a plan of reorganization. The Debtors, therefore, filed the Extension of Avoidance Action Service Deadline Motion (Docket No. 12922) (the "First Extension Motion"), attached as Exhibit D hereto, seeking to extend the deadline to serve complaints by two months to May 31, 2008. In addition, the First Extension Motion—like all subsequent extension requests, including the Final Extension Motion—provided that notice of the motion had been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures (Docket No. 2883) (the "Supplemental Case Management Order"). (First Extension Motion ¶ 26.) The underlying predicate in this representation was the Debtors' good faith belief that the Supplemental Case Management Order should not be interpreted to require service of process on defendants that were party to sealed actions for which the Debtors were seeking procedural extensions of time to serve the complaints and summons.

6. At all relevant times, the Debtors were completely and publicly transparent about their interpretation of the Supplemental Case Management Order. Their interpretation is further supported by Bankruptcy Rule 9006(b)(1) which did not require the Debtors to serve the extension motions. See Law Debenture Trust Co. v. Calpine Corp. (In re Calpine Corp.) 356 B.R. 585, 595 (S.D.N.Y. 2007); Kernisant v. City of New York, 225 F.R.D. 422, 431 n.13 (E.D.N.Y. 2005); Brady v. Marks, 7 F. Supp. 2d 247 255 (W.D.N.Y. 1998). This additional authority was specifically cited in each of the extension motions subsequent to the First Extension Motion in a further effort to be completely transparent. Moreover, as early as the hearing on the First Extension Motion, the Debtors and the Court engaged in specific discussions regarding the scope of notice of the extension motions. Indeed, at the hearing on the First

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 349 of 944

Extension Motion, the Court specifically asked the Debtors whether the preference defendants that were named as retained actions under the Confirmed Plan had received notice of the First Extension Motion. The Debtors responded that such defendants "would have *not* gotten individualized notice unless they were on the 2002 list." (Hr'g Tr. 23:19-21, Mar. 19, 2008, relevant excerpts of which are attached as Exhibit E hereto (emphasis added).) The Debtors further explained that defendants were not served because they were not aware of the existence of the complaints. Id. 23:23-24. Taking these statements under advisement, the Court instructed the Debtors to settle the order approving the First Extension Motion on parties whose identities were publicly disclosed among the retained causes of action listed on Exhibit 7.24 of the Confirmed Plan—Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc. (See Hr'g Tr. 24:7-10, Mar. 19, 2008.) As to preference defendants in the other 741 Adversary Proceedings, most of which did not receive service of the First Extension Motion, the Court noted that: "With regard to the vast majority [of Adversary Proceedings], all the others, clearly there's a good basis for not activating that litigation. It would be moot upon consummation of the plan." Id. 24:12-14. To which the Debtors' counsel responded: "And the existence of those folks is obviously that the exhibit to the plan is public. So everyone knows what that retention is." Id. 24:15-17. The Court agreed. Id. 24:19.

7. Accordingly, on March 20, 2008, the Debtors filed a notice of presentment (Docket No. 13190) with respect to the order approving the First Extension Motion. No party objected. The Court therefore entered an order approving the First Extension Motion (Docket

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Based on the information provided by special counsel handling the Adversary Proceedings, preference defendants—or their counsel either directly or indirectly by notice to such counsel's firm—in 21 of the 77 remaining Adversary Proceedings received actual notice of the First Extension Motion (14 on the master or 2002 service lists and 12 by electronic notification through the Court's ECF system—5 received both forms of notice). No objections were filed by anyone with respect to the First Extension Motion.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 350 of 944

No. 13277), attached as <u>Exhibit F</u> hereto, which provided that "The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable." (Extension of Avoidance Action Service Deadline Order ¶ 2.) Additionally, based on the exchange with the Court regarding Laneko Engineering Co., Bank, National Association, and Laneko Engineering Co., Inc., the Debtors served these three parties in connection with all subsequent extension requests and included them in the notice sections of the corresponding motions.

investors failed to participate in a closing and fulfill their obligations to fund the Confirmed Plan, the Debtors filed a motion (Docket No. 13361) (the "Second Extension Motion"), attached as Exhibit G hereto, seeking to extend the service deadline from May 31, 2008, to a date thirty days after substantial consummatio of the Confirmed Plan or any modified plan. The Debtors served the Second Extension Motion upon the master and 2002 service lists, as well as Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc. The Second Extension Motion again stated that notice of the motion was provided in accordance with the Supplemental Case Management Order and, further, that notice of the motion also was provided to the three individual preference defendants. (Second Extension Motion ¶ 27.) This additional disclosure regarding notice to Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc. is consistent with the Debtors' interpretation of the requirements of the Supplemental Case Management Order as it pertained to the various

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Based on the information provided by special counsel handling the Adversary Proceedings, preference defendants—or their counsel either directly or indirectly by notice to such counsel's firm—in 21 of the 77 remaining Adversary Proceedings received actual notice of the Second Extension Motion (14 on the master or 2002 service lists or by individual service and 12 by electronic notification through the Court's ECF system—5 received both forms of notice). No objections were filed by anyone with respect to the Second Extension Motion.

extension motions and as discussed with the Court. Indeed, the disclosure of service on the three parties mandated by the Court in the prior hearing would have been meaningless if the Debtors had served all of the preference defendants.

9. At the hearing on the Second Extension Motion, the Debtors again raised the issue of service and informed the Court that:

We did give some specific notice in connection with [the Second Extension Motion], Your Honor. We gave notice of the motion to [Laneko] Engineering Company, Wachovia Bank National Association and the master service list and the 2002 list. The reason that we gave specific notice to [Laneko] and Wachovia was because those were the only two parties that had been identified under Exhibit 7.24 of the plan as having the avoidance actions preserved under the plan and, therefore, we gave particularized notice to them of the relief sought by the debtors. We have not given notice to the 742 other defendants therein which are under seal and it was not served on those defendants except to the extent those defendants already had placed themselves on either the master service list or the 2002 list.

(Hr'g Tr. 11:18-12:5, Apr. 30, 2008, relevant excerpts of which are attached as <u>Exhibit H</u> hereto.)
The Court concluded that:

Except for the notice you did give I don't think any further notice is necessary under the plain terms of 9006 and the cause is obviously that the analysis so far that's presented in the motion is the same as it was when the motion was originally granted which is that these causes of action are being preserved in light of the limitations period, however, it's not presently contemplated that they will be pursued, although obviously the preservation of them means that they may be pursued but given that there's no reason for either the debtors or the potential defendants to start to have to incur any costs in connection with the litigation . . . cause is shown under Rule 4(m) and 9006.

<u>Id.</u> 12:17-13:3. As a result, the order approving the Second Extension Motion (Docket No. 13484), attached as <u>Exhibit I</u> hereto, again provided that "The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable."

(Postconfirmation Extension of Avoidance Action Service Deadline Order ¶ 2.)

- 10. Modified Plan. On July 30, 2009, the Court entered an order approving the Modified Plan (Docket No. 18707). Among the various modifications to the Confirmed Plan, the Modified Plan provided for the retention of 177 of the 742 Adversary Proceedings. (See Modified Plan Ex. 7.19. ¶ 6.) At the time, the Debtors were considering whether to retain special counsel to prosecute the retained Adversary Proceedings and had not yet decided to proceed in any of the Adversary Proceedings. In accordance with paragraph 2 of the order approving the Second Extension Motion, the Debtors therefore determined to keep the retained Adversary Proceedings sealed until after substantial consummation of the Modified Plan.
- 11. Final Extension Motion. As the Debtors approached the effective date of the Modified Plan in October 2009, it became clear that facilitating the complex transactions provided for under the Modified Plan and the Master Disposition Agreement would consume most of the Reorganized Debtors' time and resources in the immediate wake of their emergence from chapter 11. (Final Extension Motion ¶ 17.) These restraints were particularly onerous once it was determined that the Reorganized Debtors would have only a single employee and that a separate law firm would pursue the Adversary Proceedings. (Hr'g Tr. 5:10-18, Oct. 22, 2009, attached as Exhibit J hereto). Although the Debtors had narrowed the number of Adversary Proceedings from 742 to 177, the Debtors concluded that an additional extension was necessary to evaluate the remaining Adversary Proceedings and determine whether to proceed with litigation. Accordingly, on October 2, 2009, the Debtors filed the Final Extension Motion seeking a further extension of the service deadline from 30 days to 180 days after the effective date of the Modified Plan. The underlying rationale for the Final Extension Motion remained the same as prior extensions. The Debtors believed that, given additional time to evaluate the 177 retained Adversary Actions, the Reorganized Debtors might elect not to pursue certain

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 353 of 944

preference claims, thereby avoiding unnecessary litigation and the corresponding costs to both the Reorganized Debtors and preference defendants. (Final Extension Motion ¶ 18.).

12. Upon filing the Final Extension Motion, the Debtors served the parties listed on the master and 2002 lists, as well as the special parties that the Court required be served in connection with the First Extension Motion and the Second Extension Motion (i.e., Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc.). (Final Extension Motion ¶ 24.) Like the previous extension motion, the Final Extension Motion stated that notice of the motion had been provided in accordance with the Supplemental Case Management Order. Once again, the Final Extension Motion also stated that notice of the motion was provided to Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc. As explained above, naming these three parties would have been meaningless if the Debtors had served every one of the remaining preference defendants. The Debtors did not individually serve any of the other preference defendants in the Adversary Proceedings with the Final Extension Motion. Nevertheless, based on the information provided by special counsel handling the Adversary Proceedings, preference defendants—or their counsel either directly or indirectly by notice to such counsel's firm—in 22 of the 77 remaining Adversary Proceedings received actual notice of the Final Extension Motion (12 on the master or 2002 service lists or by individual service and 19 by electronic notification through the Court's ECF system—7 received both forms of notice).⁵ Consistent with the record in the chapter 11 cases with respect to the prosecution of the First and Second Extension Motions, counsel to the Reorganized Debtors noted on the record at the hearing on the Final Extension Motion that

As with the prior extension motions, no objections were filed by *anyone* with respect to the Final Extension Motion.

service had been completed "in the usual fashion." (Hr'g Tr. 5:21, Oct. 22, 2009.) Approving the Final Extension Motion, the Court observed that:

Obviously the debtors' decision to proceed this way is borne out by the fact that the vast majority of these cases have already been, effectively, booted out. And as the motion states, the potential plaintiff, here, certainly should have a little more time to analyze whether it makes sense to bring the remaining lawsuits or only some of them before DPH and the defendants incur additional costs.

Id. 6:20-7:1. And, once again, the order approving the Final Extension Motion (Docket No. 18999) provided that "The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding *either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable.*" (Postconfirmation Extension of Avoidance Action Service Deadline Order (Docket No. 18999) ¶ 2, attached as <u>Exhibit K</u> hereto (emphasis added).)

STATEMENT

the Court granted earlier extensions—the Modified Plan, unlike the Confirmed Plan, contemplated that the Reorganized Debtors would pursue at least some of the undisclosed Adversary Proceedings—the rationale for keeping complaints sealed and withholding notice to undisclosed preference defendants remained the same at the time of the Final Extension Motion. The Debtors already had made the decision not to pursue the substantial majority of the Adversary Proceedings by retaining only 177 of the 742 Adversary Proceedings, and believed that further resources of both the Reorganized Debtors and the preference defendants could be saved by giving the Reorganized Debtors additional time with its recently retained special

To be sure, this requirement to serve preference defendants along with the complaint would have been redundant if all preference defendants were required to receive service at the time of the hearing.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 355 of 944

counsel to assess the remaining Adversary Proceedings and potentially avoid unnecessary litigation. The Debtors' demonstration of good cause in connection with the Final Extension Motion cannot be vitiated because the Reorganized Debtors, with the benefit of additional time, determined that it was in the Debtors best interests to pursue the retained Adversary Proceedings.

14. As set forth above, the lack of notice to preference defendants prior to the hearing on the Final Extension Motion was not the result of any dereliction by the Debtors. In fact, as described above, notice of the Final Extension Motion was made in the same manner as notice of each of the First and Second Extension Motions under Federal Rule of Civil Procedure 4(m), including identically phrased references to the Supplemental Case Management Order. By confirming at the hearing on the Final Extension Motion that notice of the Final Extension Motion was provided "in the usual fashion," the Debtors did nothing more than confirm the scope and method of process that had been reviewed with and approved by the Court in respect of the trilogy of 4(m) extension motions. As explained herein, the Debtors had consistently and candidly disclosed that this description of the service of the motions specifically did *not* include service on the preference defendants whose complaints remained under seal, and who were not otherwise on the master or 2002 service lists (except as otherwise specifically required by the Court).

15. Accordingly, notice of each of the First, Second, and Final Extension

Motions was consistent with the Preservation of Estate Claims Procedures Order and the
statements made on the record at the hearings on those motions. Any assertion to the contrary in
the Declarations is incorrect.

Dated: New York, New York August 2, 2011

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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EXHIBIT A

Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion Hearing Date And Time: October 22, 2009 at 10:00 a.m. (prevailing Eastern time) Objection Deadline: October 15, 2009 at 4:00 p.m. (prevailing Eastern time)

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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors.

SUPPLEMENTAL MOTION PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO

SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("SUPPLEMENTAL POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE MOTION")



Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submit this Supplemental Motion Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (the "Motion"), and respectfully represent as follows:

Background

A. The Chapter 11 Filings

- 1. On October 8 and 14, 2005, the Debtors filed voluntary petitions in this Court for reorganization relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1330, as then amended (the "Bankruptcy Code"). The Debtors continue to operate their businesses and manage their properties as debtors-in-possession under Bankruptcy Code sections 1107(a) and 1108. This Court has ordered joint administration of these cases.
- 2. No trustee or examiner has been appointed in these cases. On October 17, 2005, the Office of the United States Trustee (the "U.S. Trustee") appointed an official committee of unsecured creditors (the "Creditors' Committee"). On April 28, 2006, the U.S. Trustee appointed an official committee of equity holders, which was disbanded on April 24, 2009. On February 26, 2009, the U.S. Trustee appointed an official committee of retired employees to represent certain of the Debtors' current active salaried employees, retirees, and their spouses for certain limited purposes.
- 3. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding under 28 U.S.C. § 157(b)(2).

4. The statutory predicates for the relief requested herein are rules 7004 and 9004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and rule 4(m) of the Federal Rules of Civil Procedure.

B. Plan Confirmation And Postconfirmation Matters

- 5. On December 10, 2007, the Debtors filed their first amended joint plan of reorganization (Docket No. 11386) (the "Plan") and related disclosure statement (Docket No. 11388). On January 25, 2008, the Court entered an order (Docket No. 12359) (the "Confirmation Order") confirming the Plan, as modified (the "Confirmed Plan"). The Confirmation Order became final on February 4, 2008.
- Ouring the fall of 2008 the Debtors formulated certain modifications to the Confirmed Plan. On October 3, 2008, Delphi filed a motion under 11 U.S.C. § 1127 for an order approving these modifications and also sought approval of a related disclosure statement and procedures for re-soliciting votes on the Confirmed Plan, as modified (Docket No. 14310) (the "Plan Modification Motion"). Subsequently, however, substantial uncertainty and significant decline in capacity in global debt and equity markets, the global economic downturn generally, and an unprecedented decline in global automotive production volumes adversely impacted Delphi's ability to develop a revised recapitalization plan and successfully consummate the modified plan of reorganization. Moreover, as a result of market turbulence, the Debtors were unable to extend the maturity date of their DIP credit facility (the "DIP Facility") on terms reasonably acceptable to the Debtors and their other stakeholders. Accordingly, with the support of the administrative agent (the "DIP Agent") and the requisite lenders under the DIP Facility, the Debtors entered into an accommodation agreement (as subsequently amended) to allow the Debtors, among other things, to continue using certain of the proceeds of the DIP Facility.

- 7. On June 1, 2009, the Debtors filed a supplement to the Plan Modification Motion (the "Motion Supplement") which sought approval of certain additional modifications to the Confirmed Plan (the "Modified Plan") as well as supplemental disclosure and procedures for re-soliciting votes on the Modified Plan. The Motion Supplement was approved, with modifications, by order entered June 16, 2009 (the "Modification Procedures Order") and was later supplemented and amended by orders entered June 29, 2009 (Docket No. 17376), July 17, 2009 (Docket No. 18352), and July 21, 2009 (Docket No. 18551).
- 8. Also on June 1, 2009, while facing the most difficult economic period in decades with the most precipitous drop in U.S. vehicle sale volumes in half a century, Delphi reached an agreement to effect its emergence from chapter 11 through a transaction with Parnassus Holdings II, LLC ("Parnassus"), an affiliate of Platinum Equity, and with the support of GM Components Holdings LLC ("GM Components"), an affiliate of GM. In the exercise of the Debtors' fiduciary responsibilities to maximize the value of their estates for the benefit of all of their stakeholders, the Debtors executed an agreement (the "Platinum-GM MDA") to reflect the foregoing transactions through a plan of reorganization. The agreement and the changes to the Confirmed Plan were filed as part of the Motion Supplement on June 1, 2009.
- 9. The Modification Procedures Order, among other things, authorized the Debtors to commence solicitation of votes on the Modified Plan and set forth a comprehensive set of supplemental procedures for evaluating non-solicited alternative transactions to the Platinum-GM MDA (as supplemented and amended, the "Supplemental Procedures"). The Supplemental Procedures provided for, among other things, an auction open to DIP Lenders making a Pure Credit Bid (as defined therein) and other Qualified Bidders (as defined therein).
- 10. Pursuant to the Supplemental Procedures, the Debtors held an auction on July 26 and 27, 2009 (the "Auction") at which the DIP Agent submitted a Pure Credit Bid on

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 362 of 944

behalf of the DIP Lenders that was supported by the requisite majority of the two most senior tranches of the DIP Facility (the "Required Lenders"). The Pure Credit Bid involved a credit bid of 100% of the principal and interest due and owing in respect of the DIP Facility under the DIP Credit Agreement (after giving effect to the application of any cash collateral to the DIP Facility) and was based upon an alternative Master Disposition Agreement (the "Master Disposition Agreement") pursuant to which DIP Holdco 3, LLC ("DIP Holdco 3") would replace Parnassus as a purchaser, subject to the terms of the Master Disposition Agreement. DIP Holdco 3 is an entity controlled by certain of the DIP lenders that together constitute the Required Lenders under the DIP Facility. At the conclusion of the Auction, after careful consideration, Delphi's board of directors determined that the Pure Credit Bid was superior to the Platinum-GM MDA, and approved it, subject to the parties' reaching a final agreement as to the terms and conditions of the Modification Approval Order and other items. Subsequently, the Debtors made certain further modifications to the Modified Plan to address the results of the Auction.

11. After holding a final plan modification hearing on July 29 and 30, 2009, the Court entered an order approving the Modified Plan (Docket No. 18707) on July 30, 2009. Upon the effectiveness of the Modified Plan, Delphi will contemporaneously effectuate transactions, including the Master Disposition Agreement, through which DIP Holdco 3 will operate Delphi's U.S. and non-U.S. businesses going forward with \$3.6 billion in emergence capital and capital commitments but without the labor-related legacy costs associated with the North American sites which, together with Delphi's global steering business, are being acquired by GM Components. DPH Holdings Corporation ("DPH Holdings") will emerge as a reorganized entity that retains certain residual non-core and non-strategic assets and liabilities that are expected to be divested over time.

12. Consummation of these transactions through the Modified Plan, which embodies concessions made by parties-in-interest to resolve these chapter 11 cases, will provide for the satisfaction of all of the Debtors' administrative claims, secured claims, and priority claims and a potential distribution to holders of general unsecured claims. Moreover, Delphi's emerging businesses, through GM Components and DIP Holdco 3, will continue to develop and deliver high-quality products to their customers globally.

C. The Establishment Of Procedures to Preserve Estate Claims

- entered that certain Order Under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), And 546(a)

 And Fed. R. Bankr. P. 7004, 9006(c), And 9018 (i) Authorizing Debtors To Enter Into

 Stipulations Tolling Statute Of Limitations With Respect To Certain Claims, (ii) Authorizing

 Procedures To Identify Causes Of Action That Should Be Preserved, And (iii) Establishing

 Procedures For Certain Adversary Proceedings Including Those Commenced By Debtors Under

 11 U.S.C. § 541, 544, 545, 547, 548, Or 553 ("Preservation Of Estate Claims Procedures Order")

 (Docket No. 9105). On March 28, 2008, this Court entered the Order Pursuant To Fed. R. Bankr.

 P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order

 (Docket No. 13277) (the "Deadline Extension Order").
- 14. The purpose of the Preservation Of Estate Claims Procedures Order was two-fold: on the one hand, it permitted the Debtors to preserve their right to pursue (or abandon) certain avoidance actions before the then-impending expiration of the two-year statute of limitations to file such actions; on the other hand, it established procedures to avoid having to force all potential defendants to retain counsel and defend against the adversary proceedings when, in fact, the Debtors anticipated that most of them would be resolved upon the Debtors'

emergence from chapter 11 and thus never pursued. To that end, the Preservation Of Estate Claims Procedures Order and the Deadline Extension Order (i) allowed the Debtors to file adversary proceeding complaints under seal, (ii) directed the Clerk of Court to delay issuing summonses for complaints unless and until the Debtors notified the Clerk of Court of their intent to prosecute such actions, (iii) stayed each adversary action unless and until the Debtors make service of process on the respective defendants, and (iv) extended the deadline under Fed. R. Civ. P. 4(m) by which the Debtors would have to serve process to May 31, 2008, so that the complaints would not be subject to dismissal under Fed. R. Civ. P. 4(m). Such relief was intended to allow the Debtors to preserve potentially valuable assets without disrupting the Confirmed Plan process or business relationships or prejudicing the rights of any defendants. In accordance with the Preservation Of Estate Claims Procedures Order, the Debtors commenced 742 adversary proceedings (the "Adversary Proceedings") by filing complaints under seal.

15. On April 10, 2008, after the Debtors' plan investors failed to participate in a closing and fulfill their obligations to fund the Confirmed Plan, the Debtors filed a Motion Pursuant to Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (the "Postconfirmation Extension Motion") (Docket No. 13361), seeking to extend the service deadline set forth in the Deadline Extension Order until 30 days after substantial consummation of the Confirmed Plan or any modified plan. The Court granted this extension by order entered April 30, 2008 (the "Postconfirmation Extension Order") (Docket No. 13484).

Relief Requested

16. By this Motion, the Debtors request entry of an order under Bankruptcy Rule 9006(b)(1) and Federal Rule Of Civil Procedure 4(m), made applicable by Bankruptcy

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 365 of 944

Rule 7004(a), to further extend the deadline by which the Debtors would be required to serve a summons and complaint upon each defendant under the Preservation Of Estate Claims Procedures Order, as modified by the Deadline Extension Order and the Postconfirmation Extension Order. Specifically, the Debtors request that the existing service deadline set forth in the Deadline Extension Order be extended to 180 days after substantial consummation of the Modified Plan.

Basis For Relief

17. A further extension of the time for service in the Adversary Proceedings is necessary due to the complex nature of the transactions set forth in the Modified Plan and the Master Disposition Agreement. At the time of the Debtors' request to extend their Fed. R. Civ. P. 4(m) deadline to serve defendants in the Adversary Proceedings until 30 days after substantial consummation of a plan of reorganization, the Confirmed Plan contemplated that the Debtors would maintain essentially the same identity and corporate organization following substantial consummation and that the reorganized company would retain few causes action. As noted above, however, the transaction set forth in the Modified Plan and the Master Disposition Agreement divides the Debtors' business among three separate parties: DPH Holdings LLC, GM Components, and DIP Holdco 3. The Debtors anticipate that, in the months following effectiveness of the Modified Plan, a significant amount of time and resources will be devoted to supporting the transition of operations among these three entities and implementing the Modified Plan. Moreover, Exhibit 7.19 of the Modified Plan lists significantly more causes of action that will be retained by DPH Holdings than originally retained under the Confirmed Plan, including

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 366 of 944

177 of the Adversary Proceedings filed under seal (the "Retained Adversary Proceedings").
Consequently, the Debtors do not believe that DPH Holdings will be able to evaluate each of the retained Adversary Proceedings – for example, to assess the ongoing relationship with certain defendants and whether events since initiating the Adversary Proceedings have impacted the Debtors' estimated recoveries – and make a determination whether to pursue such Adversary Proceedings within 30 days after substantial consummation of the Modified Plan.

- Debtors and defendants in the Adversary Proceedings from incurring unnecessary costs.

 Although the Debtors ultimately may determine not to prosecute certain of the Adversary

 Proceedings listed on Exhibit 7.19 of the Modified Plan, the Debtors would have to effect service
 to each of the 177 Retained Adversary Proceedings soon after substantial consummation to allow
 the Debtors enough to timely serve each defendant and meet the deadline set forth in the

 Postconfirmation Extension Order. In turn, defendants who are parties to Retained Adversary

 Proceedings that the Debtors otherwise might not ultimately pursue could be forced to
 unnecessarily incur litigation expenses associated with the defense of such Adversary

 Proceedings.
- 19. The Debtors believe that there is good cause for the extension of the Fed.

 R. Civ. P. 4(m) deadline because such an extension would reduce the administrative and economic burdens of the Retained Adversary Proceedings on the Debtors and the potential

Under the Modified Plan, the Debtors will not retain any of the causes of action asserted in the Adversary Proceedings except those listed on Exhibit 7.19 to the Modified Plan. Although the Debtors' request for an extension of the Fed. R. Civ. P. 4(m) deadline is applicable to all of the Adversary Proceedings, upon substantial consummation of the Modified Plan – which may occur prior to the scheduled hearing on this Motion – the extension will affect only those actions specifically retained pursuant to section 7.19 of the Modified Plan.

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defendants. Specifically, the Debtors believe that the resources that they and the defendants would need to expend prematurely to issue and serve 177 summonses and complaints in the Retained Adversary Proceedings – and the potential need thereafter to prosecute and defend such adversary proceedings – would not be in the best interests of the Debtors' estates, the Debtors' stakeholders, and other parties-in-interest. The Debtors submit that these reasons comprise good cause for the requested extension.

Applicable Authority

- 20. The Bankruptcy Rules and Federal Rules of Civil Procedure grant this Court discretion to adopt and implement guidelines which will aid in the administration of Adversary Proceedings, including discretion to grant the proposed extension of the service of process deadline. See Zapata v. City of New York, 502 F.3d 192, 195 (2d Cir. 2007) (Rule 4(m) authorizes court to grant extensions of service period); In re Sheehan, 253 F.3d 507, 511 (9th Cir. 2001) ("The time for service in an adversary proceeding may be extended under two different rules: Rule 4(m) of the Federal Rules of Civil Procedure, and Bankruptcy Rule 9006(b).").
- 21. Bankruptcy Rule 9006(b)(1) provides for the enlargement of time to perform acts required under the Bankruptcy Rules: "[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order" Fed. R. Bankr. P. 9006(b)(1).
- 22. Moreover, Fed. R. Civil P. 4(m), made applicable here by Bankruptcy Rule 7004(a), requires courts, upon a showing of good cause, to extend the period for service of process after the filing of a complaint. See Bank of Cape Verde v. Bronson, 167 F.R.D. 370, 371-72 (S.D.N.Y. 1996) (good cause existed when future events would likely have "obviated the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 368 of 944

need to serve the [] complaint" and when plaintiff requested extension before Fed. R. Civ. P. 4(m) deadline expired). Even absent good cause, this Court has discretion to extend the 120-day service period. See Zapata, 502 F.3d at 196; Mejia v. Castle Hotel Inc., 164 F.R.D. 343, 345 (S.D.N.Y. 1996).

23. The Debtors accordingly request that the Court extend the Debtors' Fed. R. Civ. P. 4(m) deadline to serve each defendant in the Adversary Proceedings commenced in connection with the Preservation Of Estate Claims Procedures Order with a summons and a copy of the complaint until 180 days after substantial consummation of the Modified Plan, without prejudice to the Debtors' right to seek further extensions of the deadline and without prejudice to the right of each of Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc.² to seek a shortening of the deadline.

Notice Of Motion

24. Although notice is not required by Fed. R. Bankr. P. 9006(b)(1), see Law Debenture Trust Co. v. Calpine Corp. (In re Calpine Corp.), 356 B.R. 585, 595 (S.D.N.Y. 2007); Kernisant v. City of New York, 225 F.R.D. 422, 431 n.13 (E.D.N.Y. 2005); Brady v. Marks, 7 F. Supp. 2d 247, 255 (W.D.N.Y. 1998), notice of this Motion has been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883), and the Fifteenth Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P.

² Causes of action against Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc. were previously disclosed on Exhibit 7.24 of the Confirmed Plan as actions that would be retained, and these causes of action have again been retained pursuant to section 7.19 of the Modified Plan.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 369 of 944

2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered August 27, 2009 (Docket No. 18839). Notice has also been provided to Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co., Inc. In light of the nature of the relief requested, the Debtors submit that no other or further notice is necessary.

WHEREFORE the Debtors respectfully request that the Court enter an order

(a) granting the relief requested herein and (b) granting the Debtors such other and further relief as is just.

Dated: New York, New York October 2, 2009

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ John Wm. Butler, Jr.
John Wm. Butler, Jr.
John K. Lyons
Ron E. Meisler
155 North Wacker Drive
Chicago, Illinois 60606

- and -

By: /s/ Kayalyn A. Marafioti
Kayalyn A. Marafioti
Four Times Square
New York, New York 10036

Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

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:	Chapter 11
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	Case No. 05-44481 (RDD)
	Case 110. 03-44-01 (RDD)
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ORDER PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER")

Upon the supplemental motion, dated October 2, 2009 (the "Motion"), of Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), for an order under Federal Rules of Bankruptcy Procedure 7004(a) and 9006(b)(1) and Federal Rule of Civil Procedure 4(m) to extend the deadline to serve process for Adversary Proceedings¹ commenced in connection with the Preservation Of Estate Claims Procedures Order² (Docket No. 9105), which deadline was previously extended to May 31, 2008 pursuant to the Order Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In

¹ Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

The Adversary Proceedings are listed by adversary proceeding number on Exhibit A attached hereto.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 371 of 944

Connection With Preservation Of Estate Claims Procedures Order (Docket No. 13277) (the "First Deadline Extension Order") and further extended to 30 days after substantial consummation of the Confirmed Plan or any modified plan pursuant to the Motion Pursuant to Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (Docket No. 13361) (the "Postconfirmation Extension Motion"); and upon the record of the hearing held on the Motion; and this Court having determined that the relief requested in the Motion as granted herein is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given, and it appearing that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED as provided herein.
- 2. Paragraph 8 of the Preservation Of Estate Claims Procedures Order, as previously modified by the First Deadline Extension Order and the Postconfirmation Extension Motion, is hereby further modified so that the time under Federal Rule of Civil Procedure 4(m) by which the Debtors must serve a defendant in the Adversary Proceedings with a summons and complaint is further extended until 180 days after substantial consummation of the Modified Plan, without prejudice, however, to the Debtors' right to seek further extensions and without prejudice to the right of each of Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc. to seek a

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 372 of 944

shortening of the deadline. The Debtors shall serve a copy of this order upon each

defendant in any Adversary Proceeding either when the Debtors serve a summons and

complaint on such defendant or as soon thereafter as practicable. All other provisions of

the Preservation Of Estate Claims Procedures Order shall remain in effect.

3. This order shall be deemed entered in each of the Adversary

Proceedings.

4. The Debtors shall file a copy of this order in each of the Adversary

Proceedings.

5. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this order.

Dated: New York, New York October ____, 2009

UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

Adversary Proceeding	Adversary Proceeding	Adversary Proceeding
Number	Number	Number
07-02074	07-02302	07-02592
07-02076	07-02305	07-02597
07-02077	07-02309	07-02600
07-02084	07-02310	07-02602
07-02090	07-02312	07-02605
07-02096	07-02313	07-02606
07-02098	07-02322	07-02607
07-02124	07-02328	07-02617
07-02125	07-02333	07-02618
07-02130	07-02337	07-02619
07-02131	07-02339	07-02623
07-02133	07-02344	07-02625
07-02135	07-02348	07-02633
07-02138	07-02350	07-02639
07-02140	07-02351	07-02644
07-02142	07-02357	07-02649
07-02147	07-02358	07-02650
07-02151	07-02372	07-02652
07-02161	07-02374	07-02654
07-02177	07-02378	07-02657
07-02182	07-02414	07-02659
07-02185	07-02416	07-02661
07-02186	07-02432	07-02668
07-02188	07-02433	07-02672
07-02198	07-02435	07-02679
07-02201	07-02436	07-02688
07-02203	07-02442	07-02689
07-02210	07-02445	07-02690
07-02211	07-02449	07-02694
07-02212	07-02457	07-02697
07-02214	07-02459	07-02702
07-02217	07-02462	07-02711
07-02220	07-02466	07-02712
07-02227	07-02475	07-02714
07-02234	07-02477	07-02720

Adversary	Adversary
<u> </u>	Proceeding Number
	07-02723
	07-02723
	07-02737
	07-02739
	07-02742
07-02523	07-02743
07-02525	07-02744
07-02527	07-02745
07-02534	07-02750
07-02539	07-02753
07-02540	07-02756
07-02541	07-02758
07-02543	07-02767
07-02551	07-02768
07-02553	07-02769
07-02554	07-02775
07-02555	07-02783
07-02556	07-02785
07-02562	07-02787
07-02563	07-02789
07-02571	07-02790
07-02572	07-02799
07-02580	07-02800
07-02581	07-02804
	Proceeding Number 07-02479 07-02484 07-02489 07-02505 07-02523 07-02525 07-02527 07-02534 07-02539 07-02541 07-02541 07-02551 07-02551 07-02555 07-02556 07-02562 07-02563 07-02571 07-02572 07-02580

EXHIBIT B

Preservation of Estate Claims Procedures Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

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Debtors. : (Jointly Administered)

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ORDER UNDER 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), AND 546(a) AND FED. R. BANKR. P. 7004, 9006(c), AND 9018
(i) AUTHORIZING DEBTORS TO ENTER INTO STIPULATIONS TOLLING STATUTE OF LIMITATIONS WITH RESPECT TO CERTAIN CLAIMS, (ii) AUTHORIZING PROCEDURES TO IDENTIFY CAUSES OF ACTION THAT SHOULD BE PRESERVED, AND (iii) ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS INCLUDING THOSE COMMENCED BY DEBTORS UNDER 11 U.S.C. § 541, 544, 545, 547, 548, OR 553

("PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER")

Upon the motion, dated August 6, 2007 (the "Motion"), of Delphi

Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-inpossession in the above-captioned cases (collectively, the "Debtors"), for an order (the

"Order") under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), and 546(a) and Federal

Rule of Bankruptcy Procedure 7004, 7016(b), 9006, and 9018 (i) authorizing the Debtors

to enter into stipulations tolling the statute of limitations with respect to certain claims,

(ii) authorizing procedures to identify causes of action that should be preserved, and



(iii) establishing procedures for certain Adversary Proceedings¹ commenced by the Debtors under 11 U.S.C. § 541, 544, 545, 547, 548, or 553; and upon the record of the hearing held on the Motion; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED.
- 2. The filing and service procedures set forth under the Bankruptcy Rules, the Local Rules, and any orders of this Court in these chapter 11 cases are modified or waived, as the case may be, as provided herein with respect to the Adversary Proceedings.
- 3. <u>Scope Of The Procedures</u>. The procedures established by this Order apply to each Adversary Proceeding that the Debtors identify to the Clerk of the Court as being subject to these procedures.
- 4. Approval Of Tolling Agreements. The Debtors are hereby authorized to enter into stipulations, substantially in the form attached hereto as Exhibit 1, tolling the statute of limitations with respect to claims described in the Motion for the tolling period described in the Motion. Each Debtor is deemed to have entered into such a

Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

stipulation with other Debtors and affiliated non-Debtor entities either controlled by the Debtors or that had actual notice of this Motion.

- Procedures To Identify Causes Of Action And Abandonment 5. Authority. The procedures set forth in the Motion to identify causes of action that should be preserved are approved. The Debtors are authorized, without the need for any further order or any further notice under Bankruptcy Rule 6007(a), to abandon those causes of action or categories of causes of action that the Debtors propose in the Motion to abandon. Subject to the procedures set forth in the Motion, the Debtors are further authorized to abandon without further notice causes of action falling within the additional categories of causes of action identified in the Motion and which they determine should not be pursued, without the need for any further order or any further notice under Bankruptcy Rule 6007(a) with the exception of the notice and opportunity for a hearing provided in the next sentence. The Debtors may abandon such additional causes of action after giving 10 days' notice thereof to the Statutory Committees; if a Statutory Committee objects within 10 days after service of the notice, the Debtors may bring the matter before this Court for a ruling on whether the proposed abandonment satisfies section 554(a) of the Bankruptcy Code. Notwithstanding any such abandonment, the Debtors fully reserve and preserve all of their rights under section 502(d) of the Bankruptcy Code.
- 6. <u>Scope Of Fraudulent Transfer Review</u>. For purposes of identifying and preserving potential fraudulent transfer claims, the Debtors need only review the following categories of transactions: merger and acquisition deals at or exceeding \$20 million, transfers to Delphi's board of directors or strategy board members other than

for compensation or ordinary-course expense reimbursement (if any), unusual securities transactions (if any), dividend distributions to 5% shareholders, and Delphi's "financially troubled supplier" program.

7. Filing Of Complaints Under Seal. The Clerk of Court is directed to accept for filing, under seal, paper copies of the complaint in each Adversary Proceeding that the Debtors inform the Clerk is subject to these procedures. The Debtors may also file under seal any amended complaint in the Adversary Proceeding for so long as the Adversary Proceeding remains stayed in accordance with paragraph 9 below. Absent further order of the Court or termination of the stay in accordance with paragraph 9 below, the case docket for any such Adversary Proceeding shall not disclose the identity of any defendant in the Adversary Proceeding and shall not disclose the complaint or any amended complaint in the Adversary Proceeding. The Debtors shall coordinate with the Clerk of Court to accomplish an efficient and cost-effective filing of the complaints and amended complaints contemplated by this order. The Debtors shall submit to the Clerk, under seal, appropriate electronic media containing PDF copies of the complaints and amended complaints. This order shall not preclude the Debtors, in their sole discretion, from making a copy of a complaint or amended complaint available to parties; provided that the Debtors maintain an internal record that they, and not the Clerk, made the complaint or amended complaint available. The Debtors and GM shall have leave to file, under seal, a stipulation acceptable to the Statutory Committees that contains tolling provisions, consistent with this order, and other agreements of the parties with respect to the sealed complaint involving GM, which stipulation shall be deemed "so ordered" and

shall be sealed in accordance with the terms of this order. The complaint and any amended complaint filed in an Adversary Proceeding shall remain under seal until the stay terminates in accordance with paragraph 9 below.

- 8. Extension of the Time for Service Under Federal Rule of Civil

 Procedure 4(m). The Debtors shall have until March 31, 2008 to serve each defendant in the Adversary Proceedings with summons and complaint, without prejudice to seek further extensions.
- 9. Stay Of Adversary Proceedings. All activity in the Adversary Proceedings denominated by the Debtors as subject to these procedures shall be stayed until the earlier of (i) the Debtors' service of a summons and complaint on the defendant in any Adversary Proceeding and (ii) further order of this Court after application therefor. Notwithstanding the stay, the Debtors may amend their complaint during the stay. Also, during the stay, the Debtors may dismiss any Adversary Proceeding after 10 days' notice to counsel to the Statutory Committees. If a Statutory Committee objects within 10 days after service of the notice of dismissal, the Debtors may bring the matter before this Court for a ruling on whether the proposed dismissal satisfies section 554(a) of the Bankruptcy Code.
- 10. <u>Deferral Of Issuance Of Summons</u>. The Clerk of Court is directed not to issue summons in any Adversary Proceeding denominated by the Debtors as subject to these procedures until either the stay is lifted with respect to such Adversary Proceeding or the Debtors request the Clerk of Court to issue a summons.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 381 of 944

11. <u>Service Of Order With Summons And Complaint</u>. The Debtors

must serve a copy of this order upon each defendant in any Adversary Proceeding either

when the Debtors serve a summons and complaint on the defendant or as soon thereafter as

practicable.

12. Additional Procedures. This Order is without prejudice to the

Debtors' seeking additional procedures to govern the Adversary Proceedings.

13. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this order.

14. The requirement under Rule 9013-1(b) of the Local Bankruptcy

Rules for the United States Bankruptcy Court for the Southern District of New York for

the service and filing of a separate memorandum of law is deemed satisfied by the Motion.

Dated: August 16, 2007

New York, New York

/s/ Robert D. Drain_
UNITED STATES BANKRUPTCY JUDGE

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 333 West Wacker Drive, Suite 2100 Chicago, Illinois 60606 (312) 407-0700 John Wm. Butler, Jr. (JB 4711) George N. Panagakis (GP 0770) Ron E. Meisler (RM 3026)

- and -

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP Four Times Square New York, New York 10036 (212) 735-3000 Kayalyn A. Marafioti (KM 9632) Thomas J. Matz (TM 5986)

Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

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Delphi Legal Information Website: http://www.delphidocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors. : (30htty 7tdminister

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STIPULATION TOLLING APPLICABLE STATUTES OF LIMITATIONS WITH RESPECT TO CLAIMS AGAINST [DEFENDANT]

Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), and [Defendant], and its affiliates and subsidiaries, hereby agree and state as follows:

WHEREAS on October 8, 2007 and October 14, 2007 (together, the "Filing Date"), the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 383 of 944

Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

WHEREAS in the course of the Debtors' bankruptcy cases, claims and causes of action under or through various provisions of the Bankruptcy Code, including, without limitation, sections 502, 541, 544, 545, 547, 548, 550, and 553 of the Bankruptcy Code, might be asserted by one or more of the Debtors or asserted on behalf of the Debtors' estates against [Defendant].

WHEREAS [Defendant] might wish to assert defenses, setoffs, and counterclaims to such claims or causes of action by the Debtors.

WHEREAS the Debtors and [Defendant] seek to avoid the cost and expense of unnecessary motion practice and litigation and seek to preserve all of their respective legal rights without allowing any applicable statute of limitations to expire and without acknowledging in any way that valid claims, causes of action, or defenses thereto exist or do not exist.

THEREFORE, the Debtors and [Defendant] stipulate and agree as follows:

- 1. The running of any applicable statute of limitations under sections 108 and 546(a) of the Bankruptcy Code, and all other time limitations or time-based defenses concerning any claim or cause of action against [Defendant] which might be asserted by one or more of the Debtors or asserted on behalf of the Debtors' estates under or through various provisions of the Bankruptcy Code, including, without limitation, any of sections 502, 541, 544, 545, 547, 548, and 553 of the Bankruptcy Code (the "Claims"), is hereby tolled.
- 2. The time elapsed during the Tolled Period (defined below) with respect to the Claims is excluded from any computation of time for purposes of any argument or defense based on statutes of limitations, laches, estoppel, waiver, and any other time-based defense or

right. As of the termination of this stipulation, the rights of each of the undersigned parties and their successors, assigns, and legal representatives with respect to the Claims will be as they were immediately before the execution of this stipulation with respect to the interposition of any argument or defense based on statutes of limitations, laches, estoppel, waiver, and any other time-based defense or right. This stipulation does not revive any Claim which was barred by the statute of limitations or any other time-based defense before the date this stipulation was executed.

- 3. The provisions of this stipulation extend up to and include the first business day nine months following entry of an order confirming the Plan, as the same may have been amended or modified before its entry (the "Tolled Period").
- 4. Notwithstanding the provisions contained herein, in the sole and absolute discretion of the Debtors, or their respective successors and assigns, the Debtors or such successors and assigns are permitted to commence any litigation against [Defendant] during the Tolled Period.
- 5. Each of the parties acknowledges that it has read all of the terms of this stipulation and enters into those terms voluntarily and without duress.
- 6. This stipulation contains the entire agreement between the parties regarding the provisions set forth above and may be modified only in a writing signed by the parties or their duly appointed agents, upon notice to counsel for the official committee of unsecured creditors.
- 7. This stipulation is not to be construed, and is not intended, as an admission or suggestion that any valid claim or cause of action exists against [Defendant] or that any valid defense to any such claim or cause of action exists.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 385 of 944

- 8. Except as expressly set forth in this stipulation, each of the parties hereto reserves all rights and remedies that it may have against the other.
- 9. The parties intend that this stipulation and Order and the tolling contemplated hereby shall not impair, diminish, or eliminate any jurisdiction of the Bankruptcy Court, to the extent that it has jurisdiction as of the date of execution of this stipulation, to adjudicate any claim, action, or proceeding relating to or arising out of any matter referred to above. In particular, the parties understand, and the Bankruptcy Court by approving this stipulation or form of stipulation finds and determines, that section 546(a) of the Bankruptcy Code constitutes a true statute of limitations which may be tolled by the parties' agreement. The parties nevertheless recognize that there exist dicta in certain reported cases indicating that some courts (which have considered section 546(a) of the Bankruptcy Code to impose a temporal limit on the jurisdiction of the Bankruptcy Court) might hold that section 546(a) could not be tolled by agreement. If a final and non-appealable order of a court of competent jurisdiction determines that (i) the time limitations described in section 546(a) cannot be effectively tolled by agreement and (ii) the Bankruptcy Court therefore cannot adjudicate any such claim, action, or proceeding, then the non-Debtor party to each stipulation (as a new and separate obligation and in consideration of the forbearance provided for hereby) must pay to each Debtor that amount, if any, which the Bankruptcy Court by final order determines would have been the ultimate net liability of the non-Debtor party to such Debtor on any such claim, action, or proceeding if an adversary proceeding on such claim, action, or proceeding had been commenced in Bankruptcy Court on the date this stipulation was executed, but giving full effect to any and all other defenses or counterclaims of any kind or nature that the non-Debtor party could assert in such an adversary proceeding. If the Bankruptcy Court is not competent to make such a determination,

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 386 of 944

the determination will be made by final and binding arbitration in New York City, New York, and the Debtors and the non-Debtor party hereby irrevocably submit to such binding arbitration before a single arbitrator administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules and, in all disputes regardless of dollar amount at issue, its Procedures For Large, Complex Commercial Disputes (the "AAA Rules") (but only in the event that the Bankruptcy Court is not competent to make the determination as described above) and to entry of judgment upon the arbitration award in the Bankruptcy Court or any court of competent jurisdiction. In addition to the qualifications required by the AAA Rules, the arbitrator must be a lawyer who has practiced bankruptcy law for at least five years, a lawyer on the Register of Mediators maintained by the Clerk of the United States Bankruptcy Court for the Southern District of New York, or a former bankruptcy judge.

- 10. This stipulation is deemed to have been jointly drafted by the parties hereto, and, in constructing and interpreting this stipulation, no provision may be construed and interpreted for or against any of the parties because such provision or any other provision of this stipulation, or this stipulation as a whole, was purportedly prepared or requested by that party.
- 11. This stipulation and the rights and obligations of the parties hereunder are governed by, and construed and interpreted in accordance with, the laws of the State of New York and, to the extent applicable, federal bankruptcy law, and any action or proceeding to enforce the rights and obligations of the parties hereunder must originally and exclusively be brought in the Bankruptcy Court.
- 12. This stipulation is effective as of the date it is fully executed and is binding upon, and inures to the benefit of, the successors, representatives, assigns, and heirs of the parties hereto.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 387 of 944

- 13. Pursuant to the Order of the Bankruptcy Court in these cases, dated

 August 16, 2007 [Docket # ____], this stipulation is deemed "So Ordered" upon its execution by
 the parties.
- 14. This stipulation may be executed in counterparts and by facsimile signature, and all executed counterparts and facsimile signatures taken together constitute one document.
- 15. Except as otherwise expressly provided herein, the use of the singular of any word includes the plural and the use of the plural includes the singular.

05-44481-rdd	Doc 21571-3	Filed 09/13/11 - 11 Pg 388	Entered 09/13/11 20:15:40 of 944	Exhibits 1

DATED: New York, New York, 2007	
[Debtor-in-Possession]	[Defendant]
By:	By:
[Attorneys for Debtor-in-Possession]	[Attorneys for Defendant]
Ву:	By:

EXHIBIT C

Preservation of Estate Claims Procedures Motion

Hearing Date And Time: August 16, 2007, At 10:00 A.M. Objection Deadline: August 13, 2007, At 4:00 P.M.

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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors.

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EXPEDITED MOTION FOR ORDER UNDER 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), AND 546(a) AND FED. R. BANKR. P. 7004, 9006(c), AND 9018 (i) AUTHORIZING DEBTORS TO ENTER INTO STIPULATIONS TOLLING STATUTE OF LIMITATIONS WITH RESPECT TO CERTAIN CLAIMS, (ii) AUTHORIZING PROCEDURES TO IDENTIFY CAUSES OF ACTION THAT SHOULD BE PRESERVED, AND (iii) ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS INCLUDING THOSE COMMENCED BY DEBTORS UNDER 11 U.S.C. § 541, 544, 545, 547, 548, OR 553

("PRESERVATION OF ESTATE CLAIMS PROCEDURES MOTION")



Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), submit this expedited motion (the "Motion") for an order (the "Order") under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), and 546(a) and Federal Rules of Bankruptcy Procedure 7004, 9006(c), and 9018 (i) authorizing the Debtors to enter into stipulations tolling the statute of limitations with respect to certain claims, (ii) authorizing procedures for the Debtors to identify causes of action that should be preserved and granting authority to abandon certain causes of action, and (iii) establishing procedures for certain adversary proceedings, including those commenced by the Debtors under 11 U.S.C. § 541, 544, 545, 547, 548, or 553, and respectfully represent as follows:

Background

A. The Chapter 11 Filings

- 1. On October 8 and 14, 2005, the Debtors filed voluntary petitions in this Court for reorganization relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1330, as then amended (the "Bankruptcy Code"). The Debtors continue to operate their businesses and manage their properties as debtors-in-possession under Bankruptcy Code sections 1107(a) and 1108. The Court has ordered joint administration of these cases.
- 2. No trustee or examiner has been appointed in these cases. On October 17, 2005, the Office of the United States Trustee (the "U.S. Trustee") appointed an official committee of unsecured creditors. On April 28, 2006, the U.S. Trustee appointed an official committee of equity holders (together with the official committee of unsecured creditors, the "Statutory Committees").

- 3. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding under 28 U.S.C. § 157(b)(2).
- 4. The statutory predicates for the relief requested herein are sections 102(1)(a), 105(a), 107, 108(a)(2), 502(d), 541, 544, 545, 546(a), 547, 548, and 553 of the Bankruptcy Code and Rules 7004, 9006(c), and 9018 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

B. <u>Current Business Operations Of The Debtors</u>

- 5. Delphi and its subsidiaries and affiliates (collectively, the "Company") as of December 31, 2006 had global net sales of \$26.4 billion and global assets of approximately \$15.4 billion.¹ At the time of its chapter 11 filing, Delphi ranked as the fifth largest public company business reorganization in terms of revenues and the thirteenth largest public company business reorganization in terms of assets. Delphi's non-U.S. subsidiaries are not chapter 11 debtors and continue their business operations without supervision from the Bankruptcy Court.²
- 6. The Company is a leading global technology innovator with significant engineering resources and technical competencies in a variety of disciplines,

The aggregated financial data used in this Motion generally consists of consolidated information from Delphi and its worldwide subsidiaries and affiliates as disclosed in the Company's Form 10-K filed on February 27, 2007.

On March 20 2007, Delphi Automotive Systems Espana S.L. ("DASE"), whose sole operation is a non-core automotive component plant in Cadiz, Spain, filed a "Concurso" application for a Spanish insolvency proceeding. The application was approved by the Spanish court on April 13, 2007. On July 4, 2007, DASE, its Concurso receivers, and the Cadiz workers councils and unions reached a settlement on a social plan, the funding of which was approved by this Court on July 19, 2007. The Spanish court approved the social plan on July 31, 2007. The Concurso proceeding is consistent with Delphi's transformation plan to optimize its manufacturing footprint and to lower its overall cost structure.

and is one of the largest global suppliers of vehicle electronics, transportation components, integrated systems and modules, and other electronic technology. The Company supplies products to nearly every major global automotive original equipment manufacturer ("OEM").

7. Delphi was incorporated in Delaware in 1998 as a wholly-owned subsidiary of General Motors Corporation ("GM"). Prior to January 1, 1999, GM conducted the Company's business through various divisions and subsidiaries. Effective January 1, 1999, the assets and liabilities of these divisions and subsidiaries were transferred to the Company in accordance with the terms of a Master Separation Agreement between Delphi and GM. In connection with these transactions, Delphi accelerated its evolution from a North American-based, captive automotive supplier to a global supplier of components, integrated systems, and modules for a wide range of customers and applications. Although GM is still the Company's single largest customer, today more than half of Delphi's revenue is generated from non-GM sources.

C. Events Leading To The Chapter 11 Filing

8. In the first two years following Delphi's separation from GM, the Company generated approximately \$2 billion in net income. Every year thereafter, however, with the exception of 2002, the Company has suffered losses. In calendar year 2004, the Company reported a net loss of approximately \$4.8 billion on \$28.6 billion in net sales.³ Reflective of a continued downturn in the marketplace, in 2005 Delphi incurred net

Reported net losses in calendar year 2004 reflect a \$4.1 billion tax charge, primarily related to the recording of a valuation allowance on the U.S. deferred tax assets as of December 31, 2004. The Company's net operating loss in calendar year 2004 was \$482 million.

losses of approximately \$2.4 billion on net sales of \$26.9 billion. Moreover, in 2006, the Debtors incurred a net loss of \$5.5 billion, \$3.0 billion of which comprised charges related to the U.S. employee special attrition programs.

- 9. The Debtors believe that the Company's financial performance has deteriorated because of (i) increasingly unsustainable U.S. legacy liabilities and operational restrictions preventing the Debtors from exiting non-profitable, non-core operations, all of which have the effect of creating largely fixed labor costs, (ii) a competitive U.S. vehicle production environment for domestic OEMs resulting in the reduced number of motor vehicles that GM produces annually in the United States and related pricing pressures, and (iii) increasing commodity prices.
- 10. In light of these factors, the Company determined that it would be imprudent and irresponsible to defer addressing and resolving its U.S. legacy liabilities, product portfolio, operational issues, and forward-looking revenue requirements. Because discussions with its major stakeholders had not progressed sufficiently by the end of the third quarter of 2005, the Company commenced these chapter 11 cases for its U.S. businesses to complete its transformation plan and preserve value for its stakeholders.

D. The Debtors' Transformation Plan

11. On March 31, 2006, the Company outlined the key tenets of a transformation plan that it believed would enable it to return to stable, profitable business operations. The Debtors stated that they needed to focus on five key areas:⁴ first,

In furtherance of the Debtors' transformation plan, on December 18, 2006, the Debtors announced their execution of an equity purchase and commitment agreement with certain investors, and a plan framework support agreement with those investors and GM. On July 9, 2007, Delphi confirmed that it had formally terminated the equity purchase and commitment agreement and related plan framework

modifying the Company's labor agreements to create a competitive arena in which to conduct business;⁵ second, concluding their negotiations with GM to finalize GM's financial support for the Debtors' legacy and labor costs and to ascertain GM's business commitment to the Company;⁶ third, streamlining their product portfolio to capitalize on their world-class technology and market strengths and make the necessary manufacturing alignment with their new focus;⁷ fourth, transforming their salaried workforce to ensure

support agreement but that it expected to enter into new framework agreements with plan investors presently. Subsequently, on July 18, 2007, Delphi announced that it had accepted a new proposal for an equity purchase and commitment agreement (the "Delphi-Appaloosa EPCA") submitted by a group comprising a number of the original plan investors (affiliates of Appaloosa Management L.P., Harbinger Capital Partners Master Fund I, Ltd., Merrill Lynch, Pierce, Fenner & Smith Inc., and UBS Securities LLC) as well as, Goldman Sachs & Co. and an affiliate of Pardus Capital Management, L.P. (collectively, the "New Plan Investors"). Under the Delphi-Appaloosa EPCA, the New Plan Investors would invest up to \$2.55 billion in preferred and common equity in the reorganized Delphi to support the Company's transformation plan and plan of reorganization. This Court approved the Delphi-Appaloosa EPCA on August 2, 2007.

- Among the progress made to date, on June 22, 2007, Delphi reached an agreement with the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (the "UAW") and GM that (a) modifies, extends, or terminates provisions of the existing collective bargaining agreements among Delphi, the UAW, and its various locals, (b) provides that Delphi and GM will undertake certain financial obligations to Delphi's UAW-represented employees and retirees to facilitate these modifications, and (c) modifies retiree welfare benefits for certain UAW-represented retirees of the Debtors. This agreement, which was approved by this Court on July 19, 2007, should facilitate the Debtors' reaching consensual resolutions of their labor issues with the remaining unions and GM and permit the Debtors to continue to implement their transformation plan and to develop, prosecute, confirm, and consummate a plan of reorganization. As of August 6, 2007, similar agreements have been reached with the International Association of Machinists and Aerospace Workers and its District 10 and Tool and Die Makers Lodge 78, the International Brotherhood of Electrical Workers and its Local 663, International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers-Communication Workers of America and its local unions, and Locals 832S, 18S, and 101S of the International Union of Operating Engineers. Delphi is currently engaged in settlement discussions with its remaining U.S. labor union and is working to conclude discussions with that union as soon as practicable.
- On July 9, 2007, Delphi confirmed that its discussions with GM on a comprehensive settlement agreement had entered the documentation phase and that it expected that a settlement with GM would be incorporated into the Debtors' plan of reorganization rather than filed with this Court for separate approval.
- In connection with their March 31, 2006 announced transformation plan, the Debtors classified "core" and "non-core" product lines and plants. The Debtors have been working to divest non-core assets so as to maximize the value of the estate for stakeholders. During the 2006 and 2007 calendar years, for example, the Debtors sold substantially all of the assets related to MobileAria, Inc., its chapter 11 affiliate, obtained court approval for the sale of substantially all of the assets of their brake hose and

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 396 of 944

that the Company's organizational and cost structure is competitive and aligned with its product portfolio and manufacturing footprint⁸ and devising a workable solution to their current pension situation.⁹

12. Upon the conclusion of the reorganization process, the Debtors expect to emerge as a stronger, more financially sound business with viable U.S. operations that are well-positioned to advance global enterprise objectives. In the meantime, Delphi will marshal all of its resources to continue to deliver high-quality products to its customers globally. Additionally, the Company will preserve and continue the strategic growth of its non-U.S. operations and maintain its prominence as the world's premier auto supplier.

Saltillo, Mexico brake plant businesses, and obtained court approval of bid procedures related to the upcoming sale of substantially all assets used in their catalyst business. In addition, as announced publicly, the Debtors anticipate selling additional non-core assets, including, without limitation, their steering, interior, and closures businesses.

- As part of this effort, effective July 1, 2006, the Company realigned its business operations to focus its product portfolio on core technologies for which the Company believes it has significant competitive and technological advantages. The Company's revised operating structure consists of its four core business segments: Electronics and Safety, Thermal Systems, Powertrain Systems, and Electrical/Electronic Architecture. The Company also has two additional segments, Steering and Automotive Holdings Group, which will be transitioned as part of the Company's transformation plan. The Debtors also made significant progress in ensuring that their organizational and cost structure is competitive in obtaining the entry of this Court's Order Under 11 U.S.C. § 363(b) And Fed. R. Bankr. P. 6004 Authorizing Debtors To Enter Into Finance Outsourcing Agreement on April 23, 2007 (Docket No. 7773) (the "Finance Outsourcing Order"). The Finance Outsourcing Order authorized the Debtors to outsource certain of the Debtors' accounts receivable, accounts payable, fixed assets, travel and expense reporting, general ledger, and contract administration processes and significantly reduce SG&A expenses as part of their transformation plan.
- To that end, on May 31, 2007, the Bankruptcy Court granted the Debtors' motion for authority to perform under the terms of those certain September 30, 2006 plan year funding waivers, which were approved by the IRS, for both the Delphi Hourly-Rate Employees Plan and the Delphi Retirement Program for Salaried Employees (collectively, the "Plans"). On July 13, 2007, the IRS modified the conditional funding waivers granted to Delphi related to the Plans, extending the dates by which Delphi is required to file a plan of reorganization and emerge from chapter 11 to December 31, 2007 and February 28, 2008, respectively.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 397 of 944

E. Revised Plan Framework Agreements And Preserving Estate Causes Of Action

- 13. The Debtors have made significant progress toward confirming a plan of reorganization: they have obtained the support of their Statutory Committees for and Court approval of the Delphi-Appaloosa EPCA, they have negotiated agreements with five of their six U.S. labor unions, they are engaged in the documentation phase for a comprehensive settlement agreement with GM, and they have scheduled a hearing in October 2007 to seek approval of their proposed disclosure statement and of solicitation procedures for a reorganization plan. The Delphi-Appaloosa EPCA approved by this Court on August 2, 2007 details the New Plan Investors' commitment to invest in the reorganized Delphi and attaches a proposed framework for a reorganization plan pursuant to which the Debtors expect to emerge from chapter 11 by the end of the year. The proposed treatment of claims under this reorganization plan would generally provide that all claims be paid or satisfied in full through distributions of cash, common stock, or both. Accordingly, avoiding preferential transfers would provide no benefit to the Debtors' estates because any party returning such a transfer would be entitled to a claim for the same amount, to be paid in full under such a plan. For the same reasons, avoiding statutory liens or prepetition setoffs would provide little to no benefit to the estates. As a result, the Debtors contemplate that their reorganization plan will waive or release most if not all avoidance causes of action.
- 14. At present, the Debtors estimate that they may have more than 11,000 potential preference claims arising from transfers totaling approximately \$5.8 billion (before taking into account potential defenses such as transfers made in the ordinary course of business). The constructively fraudulent transfer reach-back period, made

applicable by Bankruptcy Code section 544(b) and state law, is generally six years under the law of Michigan and New York. Thus, with a company of Delphi's size, there are literally hundreds of thousands of transactions that occurred during these constructively fraudulent transfer reach-back periods. Under the Bankruptcy Code, each Debtor has until two years after the entry of the order for relief to commence adversary proceedings asserting avoidance causes of action, as well as certain causes of action where the applicable statute of limitations has been tolled by the Bankruptcy Code during the initial two years of these chapter 11 cases.

light of their anticipated reorganization, as a precautionary measure they must preserve these actions in some manner. The Debtors have explored various alternatives to filing avoidance actions before the two-year deadline, such as executing tolling agreements with potential defendants. The logistical challenges of circulating and executing agreements with such a large number of potential defendants, however, make that solution impractical. The Debtors, therefore, must timely commence these actions or take other action in the coming months or risk losing forever potential causes of action that should be preserved.¹¹

By examining transactions during this reach-back period to identify potential fraudulent transfer claims that should be preserved, the Debtors do not concede that they were insolvent, undercapitalized, or unable to pay their debts as they became due at any time during the reach-back period.

As noted above, Delphi has been in discussions with GM on a comprehensive settlement agreement that they anticipate incorporating into the Debtors' reorganization plan. Because of GM's unique role in these cases, in addition to filing a sealed complaint governed by the procedures sought in this Motion, the Debtors request leave for the Debtors and GM to file, under seal, a stipulation that contains tolling provisions, consistent with this Motion, and other agreements of the parties with respect to the sealed complaint involving GM, which stipulation shall be deemed "so ordered" and shall be sealed in accordance with the terms of the order sought herein.

16. Once these actions have been commenced, the Debtors will proceed no further and will not use them for any purpose while they focus on confirming a reorganization plan. The procedures proposed in this Motion are designed to permit the Debtors to preserve these claims while otherwise maintaining the status quo among all parties in interest. The causes of action would remain dormant and become relevant again only in the unlikely event that the Debtors do not timely emerge from chapter 11.

Relief Requested

17. As set forth in the proposed order attached hereto as Exhibit A, the Debtors seek to implement procedures applicable to Adversary Proceedings that will permit all parties to preserve the status quo as the Debtors are finalizing preparations for confirming a reorganization plan by year's end. By this Motion, the Debtors seek the following relief:

Tolling Agreement

- Approval Of Form. The Debtors seek court approval of a form of stipulation (attached as Exhibit B) which would, without further order of this Court, toll the applicable statute of limitations on claims against parties with whom the Debtors seek to enter into such stipulations.
- Intercompany Tolling. The Debtors also seek to have this Court "deem" all Debtors to have entered into a stipulation with each of the other Debtors and affiliated non-Debtor entities.

Approval Of Avoidance Evaluation Procedures And Authority To Abandon Claims

• Preference Claims Below \$250,000 In Value. The Debtors request authority to abandon these preference actions. To the extent that these actions are against insiders or involve persons or transactions associated with the SEC investigation of the Debtors, the Debtors also will be authorized to abandon those actions after notice to the Statutory Committees. If a Statutory Committee objects within 10 days after service of the notice, the Debtors may bring the matter before this Court for a ruling on whether the proposed abandonment satisfies section 554(a) of the Bankruptcy Code.

- Select Categories Of Preference Claims. The Debtors seek authority to abandon the following categories of preference actions: (i) payments to parties with a secured or priority interest in such payment, (ii) union dues, (iii) pension plan contributions, (iv) payments required under the terms of collective bargaining agreements, (v) payments to reimburse employee business expenses, (vi) ordinary course wages, salaries, and benefits to employees, (vii) payments required by a garnishment to satisfy third-party judgments and obligations, (viii) contributions to charitable organizations, (ix) payments to foreign suppliers, (x) payments to the Debtors' shippers, (xi) payments to the Debtors' insurance providers, and (xii) payments to the Debtors' utilities.
- Scope Of Fraudulent Transfer Review. The Debtors seek entry of an order directing that, for purposes of identifying and preserving potential fraudulent transfer claims, the Debtors need only review the following categories of transactions: merger and acquisition deals at or exceeding \$20 million, transfers to Delphi's board of directors or strategy board members other than for compensation or ordinary-course expense reimbursement (if any), unusual securities transactions, dividend distributions to 5% shareholders, and Delphi's financially troubled supplier program.
- Additional Authority For Abandonment After Notice To Statutory
 Committees. The Debtors seek authority to abandon, after notice to the
 Statutory Committees, and without further order of this Court or further
 notice under Bankruptcy Rule 6007, claims (i) with insignificant value,
 (ii) where litigation costs would likely exceed expected recovery, (ii) where
 the potential harm to businesses outweighs expected recovery, or (iv) where
 valid defenses exist. If a Statutory Committee objects within 10 days after
 service of the notice, the Debtors may bring the matter before this Court for
 a ruling on whether the proposed abandonment satisfies section 554(a) of
 the Bankruptcy Code.

Commencement Of The Adversary Proceedings And Service Of Process

- Deferral Of Issuance Of Summons. The Clerk of Court would be directed by this Court to defer issuing a summons after the filing of a complaint, unless and until the Debtors intend to pursue the claims in the complaint.
- Extension Of Fed. R. Civ. P. 4(m) Time Period. The Debtors would have until March 31, 2008 to serve each defendant with a summons and a copy of the complaint, without prejudice to the Debtors' right to seek further extensions of the deadline.

• Service Of Order With Summons And Complaint. The Debtors would be required to serve a copy of any order approving this Motion upon each defendant in any adversary proceeding either if and when the Debtors serve process on the defendant or as soon thereafter as practicable.

Stay Of Adversary Proceedings Until Service Of Process And Interim Sealing

- Activity During The Stay. During the stay, the Debtors may (i) amend their complaint, and (ii) after notice to the Statutory Committees, dismiss it.
- Expiration Of The Stay. The stay would continue until the earlier of (i) service of process and (ii) further order of this Court.
- Filing Of The Complaints Under Interim Seal. The Debtors seek authority to file under seal paper copies (with PDF copies on appropriate electronic media) of the complaints in the adversary proceedings and to have the docket for such proceedings likewise sealed.

Basis For Relief

Would help enable the Debtors fulfill their fiduciary responsibility to preserve valuable estate assets in a manner that would not unnecessarily disrupt the plan process or the Debtors' existing business relationships with potential defendants that are necessary to the Debtors' ongoing operations. These procedures would also reduce the administrative and economic burdens of the Adversary Proceedings on the Debtors, this Court, and potential defendants. Most if not all of the avoidance actions will likely remain unnecessary in light of the terms of the Debtors' prospective reorganization plan.

F. Approval Of Form Of Tolling Agreements

19. The Debtors desire to preserve their respective rights and to continue negotiation and settlement discussions with certain parties without incurring the expense of filing complaints before the expiration of the applicable statute of limitations

period. The Debtors anticipate entering into stipulations with, among others, (i) GM, (ii) professional firms retained by the Debtors, and (iii) insiders who received transfers from the Debtors.

- 20. Assuming that a potential defendant is willing to enter into a stipulation extending the statute of limitations, the Debtors request authorization to enter into such a stipulation, substantially in the form attached as Exhibit B. The principal terms of the stipulation would be as follows:
 - Statute Of Limitations: Execution of the stipulation would toll the statute of limitations provided for under sections 108 and 546(a) of the Bankruptcy Code and other applicable law.
 - *Term*: The applicable statute of limitations would be extended up to and including the first business day that is nine months following the entry of an order confirming a plan, as the same may have been amended or modified before its entry (the "Tolling Period").
 - *Binding Effect*: The stipulation would bind and inure to the benefit of the successors, representatives, assigns, and heirs of the parties.
 - *Termination*: The Debtors or their respective successors and assigns would be permitted during the Tolling Period to commence litigation against (a) other Debtors, (b) affiliated non-Debtor entities, and (c) third parties.
 - Effective Date: The stipulation would become effective immediately upon execution thereof.
 - *Prior Court Approval*: The stipulation would be deemed "so ordered" upon execution.
- 21. Allowing the Debtors to enter into the stipulations tolling the applicable statute of limitations with respect to the claims would be the most efficient and cost-effective means of preventing unnecessary motion practice and litigation and preserving the Debtors' and potential defendants' respective legal rights without allowing

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 403 of 944

the applicable statute of limitations period to expire and without acknowledging in any way that valid claims, causes of action, or defenses thereto do or do not exist.

- 22. In view of the number of potential claims and causes of action that the Debtors must preserve, obtaining Court approval for each tolling stipulation would result in burdensome administrative expenses such as the time and cost of drafting, serving, and filing separate approval pleadings and the time incurred by attorneys in preparing for, and appearing at, related hearings before this Court. Accordingly, the Debtors request authority to enter into stipulations tolling the statute of limitations with respect to the claims without seeking further Court approval.
- 23. Likewise, requiring each of the 42 Debtors in these chapter 11 cases to enter into individual stipulations with each of the other Debtors would require the Debtors to execute more than 1,500 stipulations. Execution of stipulations between the Debtors and affiliated non-Debtor entities would add hundreds more. Obviously, such actions and the costs and expenses associated therewith are unnecessarily burdensome and time-consuming in light of the related nature of the claims. Accordingly, the Debtors also seek an order that "deems" them to have entered into a stipulation with each of the other Debtors and affiliated non-Debtor entities.
- G. <u>Approval Of Avoidance Evaluation Procedures And Authority To Abandon Certain Causes Of Action</u>
- 24. The Debtors request approval of their proposed criteria for reviewing, evaluating, and selecting those potential causes of action that should be preserved in accordance with the procedures discussed herein. These criteria strike a sensible balance between the Debtors' duty to preserve valuable estate assets and the

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 404 of 944

extraordinary costs to preserve then when, as here, there is little chance that the Debtors will prosecute any of the thousands of actions it will be commencing.

Preference Claims Below \$250,000 In Value

25. In particular, the Debtors seek authority not to pursue any preference action against an entity if the aggregate value of transfers to or for the benefit of that entity is less than \$250,000 in value. Although this threshold would eliminate 9,894 of 11,544 potential preference recoveries, the aggregate amount eliminated would be merely 4.5% of the billions in total potential preferential transfers (before taking into account potential preference defenses). By focusing on the 1,650 entities which benefited from transfers of \$250,000 or more, the Debtors would preserve billions in potential claims (before defenses are considered) while saving the estates from incurring significant legal and other costs and avoiding any disruption to commercial relationships and the Debtors' efforts to emerge from chapter 11. If the preference action is against an insider or involves a person or transaction associated with the SEC investigation of the Debtors, then the Debtors would be authorized to abandon such actions after notice to the Statutory Committees. If a Statutory Committee objects within 10 days after service of the notice, the Debtors propose that they would bring the matter before this Court for a ruling on whether the proposed abandonment satisfies section 554(a) of the Bankruptcy Code.

Select Categories Of Preference Claims

26. In addition, the Debtors seek authority to abandon the following categories of potential preference actions which the Debtors, in their business judgment, have decided should not be pursued: (i) payments to parties with a secured or priority

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 405 of 944

interest in such payment, (ii) union dues, (iii) pension plan contributions, (iv) payments required under the terms of collective bargaining agreements, (v) payments to reimburse employee business expenses, (vi) ordinary course wages, salaries, and benefits to employees, (vii) payments required by a garnishment to satisfy third-party judgments and obligations, (viii) contributions to charitable organizations, (ix) payments to foreign suppliers, (x) payments to the Debtors' shippers, (xi) payments to the Debtors' insurance providers, and (xii) payments to the Debtors' utilities.

Scope Of Fraudulent Transfer Review

- 27. As noted above, potential fraudulent transfer claims are likely subject to a six-year reach-back period during which the Debtors engaged in hundreds of thousands of transactions, the vast majority of which indisputably involved the Debtors' receipt of reasonably equivalent value or involved amounts that do not warrant the mammoth undertaking of examining each and every transaction. To balance the need for a review of transactions effected during the reach-back period and avoiding unnecessary costs, the Debtors propose to identify and review all business or asset acquisition or divestiture transactions that equal or exceed \$20 million in value. This would include a review of whether the Debtors followed their own internal procedures for the transaction and, as necessary, interviews with managers to follow up on any issues identified during the review process.
- 28. The Debtors also would review (i) certain transfers to insiders, including payments or indemnifications to current and former members of the Delphi Board of Directors and of the Delphi Strategy Board other than for compensation or

ordinary-course expense reimbursement (if any), (ii) large or unusual securities transactions (if any) such as large capitalizations or recapitalizations, derivatives, foreign currency, hedging transactions, or commercial paper transactions, (iii) all dividend distributions to 5% shareholders, and (iv) the financially troubled supplier program. As discussed below, the Debtors would enter into tolling agreements for all intercompany transactions that involve a Debtor or insiders of a Debtor.

29. The Debtors request authority to abandon the causes of action described above in accordance with the proposed procedures, without the need for any further order or any further notice under Bankruptcy Rule 6007(a).

Additional Authority To Abandon

- 30. With respect to other categories of causes of action, the Debtors anticipate that during their review they may identify additional causes of action which, in the exercise of their reasonable business judgment, should not be pursued. The Debtors seek approval for the abandonment of those causes of action which the Debtors determine, upon completion of their review and after notice to counsel to the Statutory Committees, (i) are of insignificant value to the estates, (ii) would impose costs in excess of the value of any reasonably expected recovery, (iii) could pose other potential harm to the Debtors' businesses that would outweigh the expected recovery value, or (iv) with respect to which the Debtors believe the defendants would have valid defenses.
- 31. If a Statutory Committee objects within 10 days after service of the notice, the Debtors may bring the matter before this Court for a ruling on whether the proposed abandonment satisfies section 554(a) of the Bankruptcy Code.

Preservation Of The Debtors' Rights Under 11 U.S.C. § 502(d)

32. Although the Debtors are proposing to abandon certain avoidance causes of action, the Debtors have decided to abandon them based, in part, on their determination that they will have a right to use the avoidance claim liability to seek the disallowance of claims asserted against the estates, as permitted by section 502(d) of the Bankruptcy Code. Under that section, the Debtors may seek to preclude a creditor subject to an avoidance cause of action from asserting a claim against the estate as long as the creditor remains in possession of, or otherwise obtains the benefit of, the avoidable claim or transfer.¹²

H. <u>Extending Time For Service Of Process</u>

Rule 7004(a)(1), requires this Court either to dismiss without prejudice any adversary proceeding for which the summons and complaint are not served on the defendant within 120 days of the filing of the complaint or direct that service be effected within a specified time, unless the plaintiff in the adversary proceeding can show good cause for extending the 120-day period. The Debtors request an extension of the time within which the Debtors must serve the summonses and complaints to March 31, 2008¹³—less than 60 days beyond the initial 120-day deadline. The Debtors seek the extension to preserve the status

In light of an appellate ruling from this district, <u>United States Lines, Inc. v. U.S.</u> (In re McLean Indus.), 196 B.R. 670, 675-77 (S.D.N.Y. 1996) (Cote, J.), <u>aff'g</u> 184 B.R. 10 (Bankr. S.D.N.Y. 1995) (Blackshear, J.), and this Court's prior ruling, <u>In re Metiom, Inc.</u>, 301 B.R. 634, 641 (Bankr. S.D.N.Y. 2003), that section 502(d) may continue to be used defensively after an action on the underlying avoidance action has become time-barred, the Debtors have concluded that no affirmative relief with respect to this Motion is required to preserve the Debtors' ability to use section 502(d) defensively. The Debtors expressly reserve all rights with respect to section 502(d).

March 31, 2008 is the current deadline for closing under the Delphi-Appaloosa EPCA. See Section 12(d)(iii).

quo and to avoid having to force all potential defendants to retain counsel to defend against adversary proceedings when, in fact, most of them likely will be resolved by a reorganization plan and never pursued. The Debtors propose the following procedures concerning the commencement of the Adversary Proceedings and service of process:

- Deferral Of Issuance Of Summons. The Clerk of Court would be directed by this Court to defer issuing a summons after the filing of a complaint filed in accordance with these procedures, unless and until the Debtors notify the Clerk of Court that they intend to litigate the claims alleged in the complaint.
- Extension Of Fed. R. Civ. P. 4(m) Time Period. The Debtors would have until March 31, 2008 to serve each defendant with a summons and a copy of the complaint, without prejudice to the Debtors' right to seek further extensions of the deadline.
- Service Of Order With Summons And Complaint. The Debtors would be required to serve a copy of any order approving this Motion upon each defendant in any Adversary Proceeding either when the Debtors serve the summons and complaint on the defendant or as soon thereafter as practicable.
- 34. These procedures would permit the Debtors to preserve potentially valuable assets without disrupting the plan process or existing business relationships prematurely or prejudicing the rights of any defendants.

I. Stay Of Adversary Proceedings Until Service Of Process

35. For the same reasons that the Debtors seek an extension of their time to serve potential defendants with process, the Debtors also request that the Adversary Proceedings filed pursuant to the proposed procedures be temporarily stayed, without prejudice to the Debtors' right to amend their complaints during the stay. Under the proposed procedures, the Debtors also would be authorized to file, without further order of this Court, a notice of dismissal of the Adversary Action in accordance with Bankruptcy

Rule 7041 and Fed. R. Civ. P. 41(a) if it is decided that the Adversary Action should not be pursued after notice to the Statutory Committees or as otherwise provided in a plan of reorganization or confirmation order. If a Statutory Committee objects within 10 days after service of the notice, the Debtors request that they be permitted to bring the matter before this Court for a ruling on whether the proposed dismissal satisfies section 554(a) of the Bankruptcy Code. The stay would be lifted upon the Debtors' service of the summons and complaint, without further order of this Court.

J. <u>Filing Of The Complaints Under Seal</u>

- 36. Maintaining the status quo would also be promoted by permitting the filing of the complaints under seal. Once filed, the actions would remain dormant. The Debtors do not intend to prosecute the actions while pursuing plan confirmation. Sealing the complaints will keep the actions inactive and would be consistent with the Debtors' intention to de-link the sealed adversary proceedings from all other activity in these chapter 11 cases and to prevent their use for any purpose by any party. Thus, sealing should promote the plan process and avoid needless costs relating to actions that remain unnecessary under the Debtors' prospective plan.
- 37. Moreover, sealing the actions would avoid unnecessarily alarming potential defendants. The Debtors have worked to preserve and repair their business relationship with many of the potential defendants during these cases and have negotiated or regained favorable credit terms with many suppliers and are continuing to do so. The Debtors are also engaged in negotiations with some of the potential defendants on issues unrelated to avoidance actions.

38. To enable the Debtors to preserve these potential causes of action, yet allow the Debtors to continue to implement their transformation plan and to promptly develop, negotiate, prosecute, confirm, and consummate a plan of reorganization, the Debtors seek authorization to file under seal paper copies (along with discs containing complaints in PDF format) of the complaints filed in each Adversary Proceeding against the potential defendants under seal. The Debtors also request that the case docket for any adversary proceedings initiated by the complaints likewise be sealed and not available for public access. The Debtors will coordinate with the Clerk to ensure an efficient, cost-effective approach to filing under seal the numerous actions contemplated by this Motion.

Applicable Authority

39. This Court has broad statutory authority to approve the relief requested in this Motion. The Court may "issue any order, process or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code. 11 U.S.C. § 105(a). Under section 105(a) of the Bankruptcy Code, this Court has expansive equitable powers to fashion any order or decree that is in the interest of preserving or protecting the value of the debtor's assets. See Schwartz v. Aquatic Dev. Group, Inc. (In re Aquatic Dev. Group, Inc.), 352 F.3d 671, 673 (2d Cir. 2003) (Straub, J., concurring) (quoting In re Momentum Mfg. Corp., 25 F.3d 1132, 1136 (2d Cir. 1994) ("[I]t is axiomatic that bankruptcy courts are 'courts of equity, empowered to invoke equitable principles to achieve fairness and justice in the reorganization process."); Bird v. Crown Convenience (In re NWFX, Inc.), 864 F.2d 588, 590 (8th Cir. 1988) ("The overriding consideration in bankruptcy . . . is that equitable principles govern.") (citations omitted); In

re Cooper Properties Liquidating Trust, Inc., 61 B.R. 531, 537 (Bankr. W.D. Tenn. 1986) ("[T]he Bankruptcy Court is one of equity and as such it has a duty to protect whatever equities a debtor may have in property for the benefit of its creditors as long as that protection is implemented in a manner consistent with the bankruptcy laws."). Likewise, this Court has "exclusive jurisdiction of all the property, wherever located, of the debtor as of the commencement of [its] case, and of property of the estate," 28 U.S.C. § 1334(e), and causes of action generally constitute property of a debtor's estate. See, e.g., Citicorp

Acceptance Co. v. Robison (In re Sweetwater), 884 F.2d 1323, 1326 (10th Cir. 1989).

K. Approval Of Form Of Tolling Agreements

extended by agreement of the non-debtor party to the action. See In re Rodriguez, 283

B.R. 112, 114 (Bankr. E.D.N.Y. 2001); Pugh v. Brook (In re Pugh), 158 F.3d 530, 532-38

(11th Cir. 1998); McFarland v. Leyh (In re Tex. Gen. Petroleum Corp.), 52 F.3d 1330,

1337-38 (5th Cir. 1995); Brandt v. Gelardi (In re Shape, Inc.), 138 B.R. 334, 337 (Bankr.

D. Me. 1992) (plain reading of statute and legislative history support determination that section 546(a) is statute of limitations, waivable either by stipulation or failure to assert it as defense in answer, rather than jurisdictional provision, which is not subject to expansion by court order or otherwise); In re Iron-Oak Supply Corp., 162 B.R. 301, 307 (Bankr. E.D. Cal. 1993) (rejecting argument that section 546(a)(1) is statute of repose); In re M & L

Bus. Machs. Inc., 153 B.R. 308, 311 (D. Colo. 1993) affd, 160 B.R. 850 (D. Colo. 1993) (section 546 limitations period is not jurisdictional but is waivable and subject to equitable tolling); see also Cepa Consulting Ltd. v. New York Nat'l Bank (In re Wedtech), 187 B.R.

105, 110-11 (S.D.N.Y. 1995) (treating section 546(a) as a non-jurisdictional statute of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 412 of 944

limitation that must be raised by opposing party in a timely fashion). But see Martin v. First Nat'l Bank of Louisville (In re Butcher), 829 F.2d 596, 599-600 (6th Cir. 1987) (characterizing section 546(a) as "jurisdictional" or "substantive" statute of limitations, not subject to expansion by Bankruptcy Rule 9006(a) requiring that Saturday and Sunday be excluded in computing two-year limitations period). The Debtors should therefore be authorized to enter into stipulations tolling all applicable statutes of limitations.

- L. <u>Approval Of Avoidance Evaluation Procedures And Authority To Abandon Certain Causes Of Action</u>
- 41. The Bankruptcy Code expressly authorizes a debtor to abandon property of the estate that it determines is burdensome or of inconsequential value.

 11 U.S.C. § 554. Specifically, section 554 of the Bankruptcy Code provides: "After notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a). In determining the value and benefits of particular property for purposes of the decision to abandon the property, the debtor is afforded significant discretion. See, e.g., In re

 Interpictures, Inc., 168 B.R. 526, 535 (Bankr. E.D.N.Y. 1994) ("courts have placed the burden of proving an abuse of discretion of the trustee's action or inaction on abandonment on the party seeking to make the trustee act"); In re Slack, 290 B.R. 282, 284 (Bankr. D.N.J. 2003) ("Courts defer to the trustee's judgment and place the burden on the party opposing the abandonment to prove a benefit to the estate and an abuse of the trustee's discretion."); In re Cult Awareness Network, Inc., 205 B.R. 575, 579 (Bankr. N.D. Ill. 1997) (decision to abandon property "must rest on a reasonable basis"). This Court need

only ensure that the decision to abandon "reflects a business judgment made in good faith."

Cult Awareness Network, 205 B.R. at 579.¹⁴

42. Notwithstanding abandonment, the failure to file a complaint by the two-year deadline set forth in section 546(a) of the Bankruptcy Code does not prevent the Debtors from later using section 502(d) defensively. Section 502(d) provides, in pertinent part, as follows:

the court shall disallow any claim of any entity from which property is recoverable under section 542, 543, 550, or 553 of this title or that is a transferee of a transfer avoidable under section 522(f), 522(h), 544, 545, 547, 548, 549, or 724(a) of this title, unless such entity or transferee has paid the amount, or turned over any such property, for which such entity or transferee is liable under section 522(i), 542, 543, 550, or 553 of this title.

11 U.S.C. § 502(d).

any and all claims asserted by creditors who are in receipt of avoidable transfers, unless the creditor first repays the amount of the avoidable transfer to the debtor's estate. See, e.g., Glinka v. Murad (In re Housecraft Indus. USA, Inc.), 310 F.3d 64, 72 n.8 (2d Cir. 2002); Germain v. Conn. Nat'l Bank, 988 F.2d 1323, 1327 (2d Cir. 1993); In re Centennial Textiles, Inc., 209 B.R. 31, 33 (Bankr. S.D.N.Y. 1997). Further, this Court, as well as other courts in the Southern District of New York and elsewhere, has specifically held that the section 502(d) defense may be asserted after the expiration of the two-year statute of limitations set forth in section 546(a)(1) of the Bankruptcy Code. See In re Metiom, Inc.,

Similar relief was granted in <u>In re Safety-Kleen Corp.</u>, No. 00-2303 (PJW) (Bankr. D. Del. May 17, 2002. <u>See</u> Order (I) Establishing Omnibus Filing And Pretrial Procedures For Certain Adversary Proceedings, Including Adversary Proceedings Under 11 U.S.C. § 544, 545, 547, 548 Or 550, And (II) Granting Authority To Abandon Certain Causes Of Action,) (Docket No. 4108).

301 B.R. 634, 641 (Bankr. S.D.N.Y. 2003) (Drain, J.); see also United States Lines, Inc. v. U.S. (In re McLean Indus.), 196 B.R. 670, 675-77 (S.D.N.Y. 1996) (Cote, J.); In re Asia Global Crossing, Ltd., 344 B.R. 247, 251 (Bankr. S.D.N.Y. 2006) (Bernstein, J.); In re Mid Atl. Fund, Inc., 60 B.R. 604, 609-11 (Bankr. S.D.N.Y. 1986) (Abram, J.); El Paso City v. Am. W. Airlines, Inc. (In re Am. West Airlines, Inc.), 217 F.3d 1161, 1167 (9th Cir. 2000); cf. Comm. of Unsecured Creditors v. Commodity Credit Corp. (In re KF Dairies, Inc.), 143 B.R. 734, 736-38 (B.A.P. 9th Cir. 1992) (permitting section 502(d) defense after expiration of section 549 statute of limitations). But see In re Marketing Assocs. of Am., 122 B.R. 367, 369 (Bankr. E.D. Mo. 1991) (holding that "the Trustee may not use section 502(d) defensively").

44. Here, the Debtors have proposed reasonable criteria and procedures for determining which avoidance claims should be preserved and which causes of action the Debtors should be authorized to abandon. Accordingly, the Debtors seek approval of these procedures.¹⁵

M. Extending Time For Service Of Process

45. The Bankruptcy Rules and Federal Rules of Civil Procedure grant this Court discretion to adopt and implement guidelines, such as those proposed herein, that will aid in the administration of adversary proceedings. Bankruptcy Rule 9006(b)(1)

Similar relief was granted in In re Service Merchandise, et al., Case No. 399-02649 (Bankr. M.D. Tenn. Mar. 21, 2001) (Paine, J.), where the bankruptcy court authorized the debtors to abandon claims against critical vendors. See Order Authorizing Abandonment And/Or Stay Of Certain Estate Causes Of Action And For Related Relief. The bankruptcy court also authorized the debtors to abandon four categories of claims: (i) claims less than \$5,000, (ii) payments of rent to landlords, (iii) customer refunds, and (iv) ordinary course reimbursements to employees. See Order (i) Establishing Omnibus Initial Filing And Pretrial Procedures For Adversary Proceedings Under 11 U.S.C § 544, 545, 547, 548, Or 553 And Certain Adversary Proceedings, (ii) Granting Authority, Pursuant to Fed. Bankr. R. P. 9019, To Compromise And Settle Such Actions, And (iii) Granting Authority To Abandon Certain De Minimis Claims And Causes Of Action dated February 27, 2001.

provides for the enlargement of time to perform acts required under the Bankruptcy Rules. ¹⁶ As previously discussed, Fed. R. Civ. P. 4(m) requires the court to extend the period for service of process after the filing of a complaint upon a showing of good cause. Even absent good cause, this Court has discretion to extend the 120-day service period. Mejia v. Castle Hotel, Inc., 164 F.R.D. 343, 345 (S.D.N.Y. 1996).

46. Here, the Debtors request an extension to March 31, 2008, an extension of less than 60 days. By permitting the Debtors to timely file the Adversary Proceedings but to defer serving process on defendants, the procedures would enable the Debtors to preserve valuable business relationships and to continue developing a plan of reorganization. The Debtors submit that permitting the Debtors to preserve potentially valuable assets without prejudicing the rights of any defendant constitutes good cause for the requested extension.¹⁷

N. Stay Of Adversary Proceedings Until Service Of Process

47. "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." <u>Landis v. North American Co.</u>, 299 U.S. 248, 254 (1936); <u>see also Air Line Pilots Ass'n v. Miller</u>, 523 U.S. 866, 879 n.6 (1998). This inherent power is vested in bankruptcy courts as well. <u>See Uni-Rty Corp. v.</u>

Bankruptcy Rule 9006(b)(1) provides in relevant part as follows: "[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order" Fed. R. Bankr. P. 9006(b)(1).

Similar relief was granted in <u>In re Ames Dep't Stores, Inc.</u>, No. 01-42217 (REG) (Bankr. S.D.N.Y. Feb. 3, 2004). <u>See</u> Order Extending Time For Service Of Process With Respect To Certain Preference Actions (Docket No. 2524).

Guangdong Building, Inc. (In re Uni-Rty Corp.), No. 96 Civ. 4573 (DAB), 1998 WL 299941, at *7 (S.D.N.Y. 1998) (recognizing that bankruptcy courts possess inherent authority to stay proceedings); In re Hagerstown Fiber Ltd. P'ship, 277 B.R. 181, 199 (Bankr. S.D.N.Y. 2002) (court has inherent power to stay proceedings before it, particularly where stay will promote judicial economy); In re Cleveland, 353 B.R. 254, 260 (Bankr. E.D. Cal. 2006) (staying adversary proceeding pursuant to court's inherent power to stay proceedings before it); Swift v. Bellucci (In re Bellucci), 119 B.R. 763, 770 (Bankr. E.D. Cal. 1990) ("a bankruptcy court has the inherent power to control its docket. including controlling the timing of proceedings on that docket"). The determination whether a stay of proceedings is appropriate "calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." Landis, 299 U.S. at 248, 254-55. The party seeking the stay "bears the burden of demonstrating the wisdom and justice of a stay." John's Insulation, Inc. v. Siska Const. Co., Inc., 671 F. Supp. 289, 297 (S.D.N.Y. 1987). "[T]he basic goal [is] to avoid prejudice." Volmar Distributors v. New York Post Co., 152 F.R.D. 36, 39 (S.D.N.Y. 1993). 18

48. Here, for essentially the same reasons that the Debtors have articulated for deferring issuance of summonses and service of legal process, this Court should likewise stay the proceedings while the Debtors pursue plan confirmation. The stay will not prejudice the potential defendants. In fact, the potential defendants will benefit from the stay inasmuch as they will not need to expend time or resources investigating the

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The <u>Volmar</u> court articulated the following factors that may guide a court's exercise of its inherent power: "(1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest." <u>Id.</u> at 39.

facts relating to, or defending, a lawsuit that the Debtors likely will never need to pursue.

Under these circumstances, this Court should stay each proceeding unless and until the

Debtors request the Clerk of Court to issue summons in that particular proceeding.¹⁹

O. Filing Of The Complaints Under Seal

- 49. Section 107 of the Bankruptcy Code provides bankruptcy courts with the power to issue orders that will protect entities from potential harm that may result from the disclosure of certain confidential information. Section 107(b)(1) of the Bankruptcy Code specifically provides in part as follows: "On request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information" 11 U.S.C. § 107(b)(1).
- Code and Rule 9018 of the Bankruptcy Rules do "not require that commercial information be the equivalent of a trade secret before protecting such information." <u>Video Software Dealers Ass'n v. Orion Pictures Corp.</u> (In re Orion Pictures Corp.), 21 F.3d 24, 28 (2d Cir. 1994). Indeed, other courts in this district have stated that it "is required to grant that relief upon the motion of a party in interest, assuming the information is of the type listed in section 107(b)." <u>In re Global Crossing Ltd.</u>, 295 B.R. 720, 723 n.7 (Bankr. S.D.N.Y. 2003) (citing <u>Video Software</u>, 21 F.3d at 27). In addition, the Second Circuit has held that a party seeking the sealing of information is required only to show that the information is confidential and commercial, and no showing of "good cause" is necessary. See Video

Similar relief was granted in <u>In re Service Merchandise</u>, Case No. 399-02649 (Bankr. M.D. Tenn. Mar. 21, 2001), where the bankruptcy court granted the debtors authority to stay certain adversary proceedings while the debtors were continuing to investigate whether they would ultimately pursue them. <u>See</u> Order Authorizing Abandonment And/Or Stay Of Certain Estate Causes Of Action And For Related Relief.

<u>Software</u>, 21 F.3d at 28. Thus, a bankruptcy court may enter a sealing order under the broad confidentiality protections in bankruptcy proceedings where necessary to protect confidential information. <u>Id.</u>; <u>see also Global Crossing</u>, 295 B.R. at 725 (The "whole point of [Bankruptcy Rule 9018] is to protect business entities from disclosure of information that could reasonably be expected to cause the entity commercial injury.").

- 51. Upon the request of a party in interest, a court has no discretion and must deny public access to information that falls within one of the categories under Bankruptcy Code section 107(b). Orion Pictures Corp., 21 F.3d at 27. If, however, the information to be protected does not fit into any of the specified categories, then the court has discretion to decide if the requesting party has shown cause to permit filing under seal. See In re Bennett Funding Group, Inc., 226 B.R. 331, 336 (Bankr. N.D.N.Y. 1998) (citing Nixon v. Warner Communications, Inc., 435 U.S. 589, 599 (1978)); Orion Pictures Corp., 21 F.3d at 27 ("In limited circumstances, courts must deny access to judicial documents").
- 52. The power to seal also arises from the inherent power of the court to control dissemination of its records. See In re Robert Landau Assocs., Inc. 50 B.R. 670, 676, 677 (Bankr. S.D.N.Y. 1985) (court's inherent power to seal, despite section 107(b)'s inapplicability, is implicit in section 704(7)'s exception to disclosure—"unless the court orders otherwise"); In re I.G. Servs. Ltd., 244 B.R. 377, 388 n.14 (Bankr. W.D. Tex. 2000) (concluding that if section 107 applied to records not filed with court, court still had power to control dissemination of information beyond scope of section 107), rev'd on other grounds sub nom. San Antonio Express-News v. Blackwell (In re Blackwell), 263 B.R. 505 (W.D. Tex. 2000); In re Apex Oil Co., 101 B.R. 92, 101-02 (Bankr. E.D. Mo. 1989)

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 419 of 944

(citing Robert Landau Assocs.); In re EPIC Assocs. V, 54 B.R. 445, 450 (Bankr. E.D. Va. 1985) (exercising inherent supervisory power over its own records and files). When deciding to allow a debtor to file documents under seal, courts should look at all relevant facts and circumstances and weigh the competing interests of the debtor seeking protection with the general right of the public to access documents filed in a bankruptcy case.

Bennett Funding, 226 B.R. at 336. Relevant factors include (1) whether the debtor will suffer irreparable harm if the information is disclosed, (2) whether the debtor can demonstrate that disclosure will have a negative impact on its estate such that the debtor would be at a disadvantage in comparison with competitors, and (3) whether the debtor is seeking to protect the information on a temporary basis or on a permanent basis. See generally In re Hemple, 295 B.R. 200, 202 (Bankr. D. Vt. 2003).

53. The circumstances of this case demonstrate the need for confidentiality to preserve the status quo and to avoid unnecessary harm to the Debtors and others that would be caused by filing these complaints publicly.²⁰

* * *

54. In light of the benefits that the relief requested would provide to the Debtors, defendants in Adversary Proceedings, and other stakeholders, and given the

Similar relief was granted in In re Service Merchandise, et al., Case No. 399-02649 (Bankr. M.D. Tenn. Feb. 27, 2001), the bankruptcy court granted the debtors authority to file under seal certain adversary proceedings so that the debtors could continue negotiations with defendants, who were also the debtors' business partners, and to ensure that such defendants continued doing business with the debtors. See Order (i) Establishing Omnibus Initial Filing And Pretrial Procedures For Adversary Proceedings Under 11 U.S.C § 544, 545, 547, 548, Or 553 And Certain Adversary Proceedings, (ii) Granting Authority, Pursuant to Fed. Bankr. R. P. 9019, To Compromise And Settle Such Actions, And (iii) Granting Authority To Abandon Certain De Minimis Claims And Causes Of Action (permitting debtor to file documents under seal in any adversary proceeding in which debtors also sought to stay the proceeding).

authority in support of such relief, the Debtors believe that entry of the proposed order is justified and appropriate.

Notice Of Motion

Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883) (the "Supplemental Case Management Order"), and the Amended Eighth Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, and 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered October 26, 2006 (Docket No. 5418) (together with the Supplemental Case Management Order, the "Case Management Orders"). In light of the nature of the relief requested, the Debtors submit that no other or further notice is necessary.

Memorandum Of Law

56. Because the legal points and authorities upon which this Motion relies are incorporated herein, the Debtors respectfully request that the requirement of the service and filing of a separate memorandum of law under Local Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York be deemed satisfied.

In addition to giving notice in accordance with the Case Management Orders, the Debtors will describe the relief obtained through this Motion in their disclosure statement for the Debtors' plan of reorganization.

WHEREFORE the Debtors respectfully request that this Court enter an order (i) granting the Motion and (ii) granting them such other and further relief as is just.

Dated: New York, New York August 6, 2007

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| In re | : | Chapter 11 |
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| DELPHI CORPORATION, et al., | | Case No. 05-44481 (RDD) |
| DEEI III COM OMATION, <u>et al.</u> , | | Case 110: 03-44401 (RDD) |
| 5 .1. | • | |
| Debtors. | : | (Jointly Administered) |
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ORDER UNDER 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), AND 546(a) AND FED. R. BANKR. P. 7004, 9006(c), AND 9018
(i) AUTHORIZING DEBTORS TO ENTER INTO STIPULATIONS TOLLING STATUTE OF LIMITATIONS WITH RESPECT TO CERTAIN CLAIMS, (ii) AUTHORIZING PROCEDURES TO IDENTIFY CAUSES OF ACTION THAT SHOULD BE PRESERVED, AND (iii) ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS INCLUDING THOSE COMMENCED BY DEBTORS UNDER 11 U.S.C. § 541, 544, 545, 547, 548, OR 553

("PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER")

Upon the motion, dated August 6, 2007 (the "Motion"), of Delphi
Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-inpossession in the above-captioned cases (collectively, the "Debtors"), for an order (the
"Order") under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), and 546(a) and Federal
Rule of Bankruptcy Procedure 7004, 9006(c), and 9018 (i) authorizing the Debtors to enter
into stipulations tolling the statute of limitations with respect to certain claims,
(ii) authorizing procedures to identify causes of action that should be preserved, and
(iii) establishing procedures for certain Adversary Proceedings¹ commenced by the
Debtors under 11 U.S.C. § 541, 544, 545, 547, 548, or 553; and upon the record of the

¹ Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

hearing held on the Motion; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED.
- 2. The filing and service procedures set forth and required under the Bankruptcy Rules, the Local Rules, and any orders of this Court in these chapter 11 cases are modified or waived, as appropriate, as set forth herein with respect to the Adversary Proceedings.
- 3. <u>Scope Of The Procedures</u>. The procedures established by this Order apply to each Adversary Proceeding that the Debtors identify to the Clerk as being subject to these procedures.
- 4. <u>Approval Of Tolling Agreements</u>. The Debtors are hereby authorized to enter into stipulations, substantially in the form annexed to the Motion as Exhibit B, tolling the statute of limitations with respect to claims described in the Motion. Each Debtor is deemed to have entered into a stipulation with other Debtors and affiliated non-Debtor entities.
- 5. <u>Procedures To Identify Causes Of Action And Abandonment</u>

 <u>Authority.</u> The procedures set forth in the Motion to identify causes of action that should be preserved are approved. The Debtors are authorized, without the need for any further

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 424 of 944

order or any further notice under Bankruptcy Rule 6007(a), to abandon those causes of action or categories of causes of action that Debtors propose in the Motion to abandon. Subject to the procedures set forth in the Motion, the Debtors are further authorized to abandon certain causes of action not specifically identified in the Motion that they determine should not be pursued, including the categories of actions set forth in the Motion, without the need for any further order or any further notice under Bankruptcy Rule 6007(a). The Debtors may abandon additional causes of action after giving notice to the Statutory Committees. If a Statutory Committee objects within 10 days after service of the notice, the Debtors may bring the matter before this Court for a ruling on whether the proposed abandonment satisfies section 554(a) of the Bankruptcy Code.

- 6. Scope Of Fraudulent Transfer Review. For purposes of identifying and preserving potential fraudulent transfer claims, the Debtors need only review the following categories of transactions: merger and acquisition deals at or exceeding \$20 million, transfers to Delphi's board of directors or strategy board members other than for compensation or ordinary-course expense reimbursement (if any), unusual securities transactions (if any), dividend distributions to 5% shareholders, and Delphi's financially troubled supplier program.
- 7. <u>Filing Of Complaints Under Seal</u>. The Clerk of Court is directed to accept for filing, under seal, paper copies of the complaint in each Adversary Proceeding that the Debtors indicate are subject to these procedures. The Clerk of Court also is directed to seal the case docket for any such Adversary Proceeding so that it is not available for public access. The Debtors shall coordinate with the Clerk of Court to

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 425 of 944

accomplish an efficient and cost-effective filing of the complaints contemplated by this order. The Debtors shall submit to the Clerk, under seal, appropriate electronic media containing PDF copies of the complaints. This order shall not preclude the Debtors, in their sole discretion, from making a copy of a complaint available to parties. The Debtors and GM shall have leave to file, under seal, a stipulation that contains tolling provisions, consistent with this order, and other agreements of the parties with respect to the sealed complaint involving GM, which stipulation shall be deemed "so ordered" and shall be sealed in accordance with the terms of this order.

- 8. <u>Modification Of Federal Rule Of Civil Procedure 4(m)</u>. The Debtors shall have until March 31, 2008 to serve each defendant with summons and complaint, without prejudice to further extensions.
- 9. Stay Of Adversary Proceedings. All activity in the Adversary Proceedings that the Debtors indicate are subject to these procedures shall be stayed until the earlier of (i) the Debtors' service of a summons and complaint on the defendant in any Adversary Proceeding and (ii) further order of this Court. Notwithstanding the stay, the Debtors may amend their complaint during the stay. Also, during the stay, the Debtors may dismiss any Adversary Proceeding after notice to counsel to the Statutory

 Committees. If a Statutory Committee objects within 10 days after service of the notice of dismissal, the Debtors may bring the matter before this Court for a ruling on whether the proposed dismissal satisfies section 554(a) of the Bankruptcy Code.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 426 of 944

10. <u>Deferral Of Issuance Of Summons</u>. The Clerk of Court is directed not to issue summons until either the stay is lifted with respect to a particular Adversary

Proceeding or the Debtors request the Clerk of Court to issue a summons.

11. <u>Service Of Order With Summons And Complaint</u>. The Debtors

must serve a copy of this order upon each defendant in any Adversary Proceeding either

when the Debtors serve a summons and complaint on the defendant or as soon thereafter as

practicable.

12. <u>Additional Procedures</u>. This Order is without prejudice to the

Debtors' seeking additional procedures to govern the Adversary Proceedings.

13. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this order.

14. The requirement under Rule 9013-1(b) of the Local Bankruptcy

Rules for the United States Bankruptcy Court for the Southern District of New York for

the service and filing of a separate memorandum of law is deemed satisfied by the Motion.

Dated: August _____, 2007

New York, New York

UNITED STATES BANKRUPTCY JUDGE

5

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 333 West Wacker Drive, Suite 2100 Chicago, Illinois 60606 (312) 407-0700 John Wm. Butler, Jr. (JB 4711) George N. Panagakis (GP 0770) Ron E. Meisler (RM 3026)

- and -

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Attorneys for Delphi Corporation, <u>et al.</u>, Debtors and Debtors-in-Possession

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Delphi Legal Information Website: http://www.delphidocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors.

STIPULATION TOLLING APPLICABLE STATUTES OF LIMITATIONS WITH RESPECT TO CLAIMS AGAINST [DEFENDANT]

Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates,

debtors and debtors-in-possession in the above-captioned cases (collectively, the

"Debtors"), and [Defendant], and its affiliates and subsidiaries, hereby agree and state as follows:

WHEREAS on October 8, 2007 and October 14, 2007 (together, the "Filing Date"), the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

WHEREAS in the course of the Debtors' bankruptcy cases, claims and causes of action under or through various provisions of the Bankruptcy Code, including, without limitation, sections 502, 541, 544, 545, 547, 548, 550, and 553 of the Bankruptcy Code, might be asserted by one or more of the Debtors or asserted on behalf of the Debtors' estates against [Defendant].

WHEREAS [Defendant] might wish to assert defenses, setoffs, and counterclaims to such claims or causes of action by the Debtors.

WHEREAS the Debtors and [Defendant] seek to avoid the cost and expense of unnecessary motion practice and litigation and seek to preserve all of their respective legal rights without allowing any applicable statute of limitations to expire and without acknowledging in any way that valid claims, causes of action, or defenses thereto exist or do not exist.

THEREFORE, the Debtors and [Defendant] stipulate and agree as follows:

1. The running of any applicable statute of limitations under sections 108 and 546(a) of the Bankruptcy Code, and all other time limitations or time-based defenses concerning any claim or cause of action against [Defendant] which might

be asserted by one or more of the Debtors or asserted on behalf of the Debtors' estates under or through various provisions of the Bankruptcy Code, including, without limitation, any of sections 502, 541, 544, 545, 547, 548, and 553 of the Bankruptcy Code (the "Claims"), is hereby tolled.

- 2. The time elapsed during the Tolled Period (defined below) with respect to the Claims is excluded from any computation of time for purposes of any argument or defense based on statutes of limitations, laches, estoppel, waiver, and any other time-based defense or right. As of the termination of this stipulation, the rights of each of the undersigned parties and their successors, assigns, and legal representatives with respect to the Claims will be as they were immediately before the execution of this stipulation with respect to the interposition of any argument or defense based on statutes of limitations, laches, estoppel, waiver, and any other time-based defense or right. This stipulation does not revive any Claim which was barred by the statute of limitations or any other time-based defense before the date this stipulation was executed.
- 3. The provisions of this stipulation extend up to and include the first business day nine months following entry of an order confirming the Plan, as the same may have been amended or modified before its entry (the "Tolled Period").
- 4. Notwithstanding the provisions contained herein, in the sole and absolute discretion of the Debtors, or their respective successors and assigns, the Debtors or such successors and assigns are permitted to commence any litigation against [Defendant] during the Tolled Period.

- 5. Each of the parties acknowledges that it has read all of the terms of this stipulation and enters into those terms voluntarily and without duress.
- 6. This stipulation contains the entire agreement between the parties regarding the provisions set forth above and may be modified only in a writing signed by the parties or their duly appointed agents, upon notice to counsel for the an official committee of unsecured creditors
- 7. This stipulation is not to be construed, and is not intended, as an admission or suggestion that any valid claim or cause of action exists against [Defendant] or that any valid defense to any such claim or cause of action exists.
- 8. Except as expressly set forth in this stipulation, each of the parties hereto reserves all rights and remedies that it may have against the other.
- 9. The parties intend that this stipulation and Order and the tolling contemplated hereby shall not impair, diminish, or eliminate any jurisdiction of the Bankruptcy Court, to the extent that it has jurisdiction as of the date of execution of this stipulation, to adjudicate any claim, action, or proceeding relating to or arising out of any matter referred to above. In particular, the parties understand, and the Bankruptcy Court by approving this stipulation or form of stipulation finds and determines, that section 546(a) of the Bankruptcy Code constitutes a true statute of limitations which may be tolled by the parties' agreement. The parties nevertheless recognize that there exist dicta in certain reported cases indicating that some courts (which have considered section 546(a) of the Bankruptcy Code to impose a temporal limit on the jurisdiction of the Bankruptcy Court) might hold that section 546(a) could not be tolled by agreement. If a final and non-

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 431 of 944

appealable order of a court of competent jurisdiction determines that (i) the time limitations described in section 546(a) cannot be effectively tolled by agreement and (ii) the Bankruptcy Court therefore cannot adjudicate any such claim, action, or proceeding, then the non-Debtor party to each stipulation (as a new and separate obligation and in consideration of the forbearance provided for hereby) must pay to each Debtor that amount, if any, which the Bankruptcy Court by final order determines would have been the ultimate net liability of the non-Debtor party to such Debtor on any such claim, action, or proceeding if an adversary proceeding on such claim, action, or proceeding had been commenced in Bankruptcy Court on the date this stipulation was executed, but giving full effect to any and all other defenses or counterclaims of any kind or nature that the non-Debtor party could assert in such an adversary proceeding. If the Bankruptcy Court is not competent to make such a determination, the determination will be made by binding arbitration, and the Debtors and the non-Debtor party hereby irrevocably submit to such binding arbitration in accordance with the arbitration rules of [_____] (but only in the event that the Bankruptcy Court is not competent to make the determination as described above) and to entry of judgment upon the arbitration award in the Bankruptcy Court or any court of competent jurisdiction.

10. This stipulation is deemed to have been jointly drafted by the parties hereto, and, in constructing and interpreting this stipulation, no provision may be construed and interpreted for or against any of the parties because such provision or any other provision of this stipulation, or this stipulation as a whole, was purportedly prepared or requested by that party.

- 11. This stipulation and the rights and obligations of the parties hereunder are governed by, and construed and interpreted in accordance with, the laws of the State of New York and, to the extent applicable, federal bankruptcy law, and any action or proceeding to enforce the rights and obligations of the parties hereunder must originally and exclusively be brought in the Bankruptcy Court.
- 12. This stipulation is effective as of the date it is fully executed and is binding upon, and inures to the benefit of, the successors, representatives, assigns, and heirs of the parties hereto.
 - 13. Each stipulation is deemed "So Ordered" upon execution thereof.
- 14. This stipulation may be executed in counterparts and by facsimile signature, and all executed counterparts and facsimile signatures taken together constitute one document.
- 15. Except as otherwise expressly provided herein, the use of the singular of any word includes the plural and the use of the plural includes the singular.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 433 of 944

| DATED: New York, New York, 2007 | |
|--------------------------------------|---------------------------|
| [Debtor-in-Possession] | [Defendant] |
| By: | Ву: |
| [Attorneys for Debtor-in-Possession] | [Attorneys for Defendant] |
| By: | By: |

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 434 of 944

Hearing Date And Time: August 16, 2007 At 10:00 A.M. Objection Deadline: August 13, 2007 At 4:00 P.M.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 333 West Wacker Drive, Suite 2100 Chicago, Illinois 60606 (312) 407-0700 John Wm. Butler, Jr. (JB 4711) George N. Panagakis (GP 0770) Ron E. Meisler (RM 3026)

- and -

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Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

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Delphi Legal Information Website: http://www.delphidocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

Debtors. : (Jointly Administered)

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NOTICE OF EXPEDITED MOTION FOR ORDER UNDER 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), AND 546(a) AND FED. R. BANKR. P. 7004, 9006(c), AND 9018 (i) AUTHORIZING DEBTORS TO ENTER INTO STIPULATIONS TOLLING STATUTE OF LIMITATIONS WITH RESPECT TO CERTAIN CLAIMS, (ii) AUTHORIZING PROCEDURES TO IDENTIFY CAUSES OF ACTION THAT SHOULD BE PRESERVED, AND (iii) ESTABLISHING PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS INCLUDING THOSE COMMENCED BY DEBTORS UNDER 11 U.S.C. § 541, 544, 545, 547, 548, OR 553

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 435 of 944

PLEASE TAKE NOTICE that on August 6, 2007, Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), filed an Expedited Motion For Order Under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), And 546(a) And Fed. R. Bankr. P. 7004, 9006(c), And 9018 (i) Authorizing Debtors To Enter Into Stipulations Tolling Statute Of Limitations With Respect To Certain Claims, (ii) Authorizing Procedures To Identify Causes Of Action That Should Be Preserved, And (iii) Establishing Procedures For Certain Adversary Proceedings Including Those Commenced By Debtors Under 11 U.S.C. § 541, 544, 545, 547, 548, Or 553 (the "Motion").

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the Motion will be held on August 16, 2007, at 10:00 a.m. (prevailing Eastern time) (the "Hearing") before the Honorable Robert D. Drain, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Room 610, New York, New York 10004.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must (a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and the Supplemental Order Under 11 U.S.C. §§ 102(1) and 105 and Fed. R. Bankr. P. 2002(m), 9006, 9007, and 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, and Administrative Procedures, entered March 20, 2006 (Docket No. 2883) (the "Supplemental Case Management Order") and the Amended Eighth Supplemental Order Under 11 U.S.C. §§ 102(1) and 105 and Fed. R. Bankr. P. 2002(m), 9006, 9007, and 9014 Establishing Omnibus Hearing Dates and Certain Notice, Case Management, and Administrative Procedures, entered October 26, 2006 (Docket No. 5418)

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 436 of 944

(together with the Supplemental Case Management Order, the "Case Management Orders"), (c) be filed with the Bankruptcy Court in accordance with General Order M-242 (as amended) – registered users of the Bankruptcy Court's case filing system must file electronically, and all other parties-in-interest must file on a 3.5 inch disk (preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format), (d) be submitted in hard-copy form directly to the chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and (e) be served upon (i) Delphi Corporation, 5725 Delphi Drive, Troy, Michigan 48098 (Att'n: General Counsel), (ii) counsel to the Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, 333 West Wacker Drive, Suite 2100, Chicago, Illinois 60606 (Att'n: John Wm. Butler, Jr.), (iii) counsel for the agent under the postpetition credit facility, Davis Polk & Wardwell, 450 Lexington Avenue, New York, New York 10017 (Att'n: Donald Bernstein and Brian Resnick), (iv) counsel for the Official Committee of Unsecured Creditors, Latham & Watkins LLP, 885 Third Avenue, New York, New York 10022 (Att'n: Robert J. Rosenberg and Mark A. Broude), (v) counsel for the Official Committee of Equity Security Holders, Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, New York 10004 (Att'n: Bonnie Steingart), and (vi) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, Suite 2100, New York, New York 10004 (Att'n: Alicia M. Leonhard), in each case so as to be **received** no later than **4:00 p.m.** (**prevailing** Eastern time) on August 13, 2007 (the "Objection Deadline").

PLEASE TAKE FURTHER NOTICE that only those objections made as set forth herein and in accordance with the Case Management Orders will be considered by the Bankruptcy Court at the Hearing. If no objections to the Motion are timely filed and served in accordance with the procedures set forth herein and in the Case Management Orders, the Bankruptcy Court may enter an order granting the Motion without further notice.

Dated: New York, New York August 6, 2007

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ John Wm. Butler, Jr.
John Wm. Butler, Jr. (JB 4711)
George N. Panagakis (GP 0770)
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- and -

By: /s/ Kayalyn A. Marafioti
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Four Times Square
New York, New York 10036
(212) 735-3000

Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

EXHIBIT D

Extension of Avoidance Action Service Deadline Motion

Hearing Date And Time: March 19, 2008 at 10:00 a.m. Objection Deadline: March 12, 2008 at 4:00 p.m.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 333 West Wacker Drive, Suite 2100 Chicago, Illinois 60606 John Wm. Butler, Jr. (JB 4711) John K. Lyons (JL 4951) Ron E. Meisler (RM 3026)

- and -

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UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors. : (Jointly Administered

----- X

MOTION PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE MOTION")



Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submit this Motion Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (Docket No. 9105) (the "Motion"), and respectfully represent as follows:

Background

A. The Chapter 11 Filings

- 1. On October 8 and 14, 2005, the Debtors filed voluntary petitions in this Court for reorganization relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1330, as then amended (the "Bankruptcy Code"). The Debtors continue to operate their businesses and manage their properties as debtors-in-possession under Bankruptcy Code sections 1107(a) and 1108. This Court has ordered joint administration of these cases.
- No trustee or examiner has been appointed in these cases. On October 17,
 2005, the Office of the United States Trustee (the "U.S. Trustee") appointed an official
 committee of unsecured creditors. On April 28, 2006, the U.S. Trustee appointed an official
 committee of equity holders.
- 3. On September 6, 2007, the Debtors filed the Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In Possession (Docket No. 9263) and the Disclosure Statement With Respect To Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In Possession (Docket No. 9264). Subsequently, on December 10, 2007, the Debtors filed the First Amended Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In-Possession (Docket No. 11386) (the "Plan") and the First Amended Disclosure Statement with

respect to the Plan (Docket No. 11388) (the "Disclosure Statement"). The Court entered an order approving the adequacy of the Disclosure Statement and granting the related solicitation procedures motion on December 10, 2007 (Docket No. 11389). On January 25, 2008, the Court entered an order confirming the Plan (as modified) (Docket No. 12359) (the "Confirmation Order"), which became a final order on February 4, 2008.

- 4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding under 28 U.S.C. § 157(b)(2).
- 5. The statutory predicates for the relief requested herein are rules 7004 and 9004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and rule 4(m) of the Federal Rules of Civil Procedure.

B. <u>Current Business Operations Of The Debtors</u>

6. Delphi and its subsidiaries and affiliates (collectively, the "Company") as of December 31, 2007 had global net sales of \$22.3 billion and global assets of approximately \$13.7 billion.¹ At the time of its chapter 11 filing, Delphi ranked as the fifth largest public company business reorganization in terms of revenues and the thirteenth largest public company business reorganization in terms of assets. Delphi's non-U.S. subsidiaries are not chapter 11 debtors and have continued their business operations without supervision from the Court.²

The aggregated financial data used herein generally consists of consolidated information from Delphi and its worldwide subsidiaries and affiliates as disclosed in the Company's Form 10-K filed on February 19, 2008.

On March 20, 2007, Delphi Automotive Systems Espana S.L. ("DASE"), whose sole operation is a non-core automotive component plant in Cadiz, Spain, filed a "Concurso" application for a Spanish insolvency proceeding, which was approved by the Spanish court on April 13, 2007. On July 4, 2007, DASE, its Concurso receivers, and the Cadiz workers councils and unions reached a settlement on a social plan, the funding of which was approved by this Court on July 19, 2007. The Spanish court approved the social plan on July 31, 2007. The Concurso proceeding is consistent with Delphi's transformation plan to optimize its manufacturing footprint and to lower its overall cost structure.

- 7. The Company is a leading global technology innovator with significant engineering resources and technical competencies in a variety of disciplines, and is one of the largest global suppliers of vehicle electronics, transportation components, integrated systems and modules, and other electronic technology. The Company supplies products to nearly every major global automotive original equipment manufacturer ("OEM").
- 8. Delphi was incorporated in Delaware in 1998 as a wholly owned subsidiary of General Motors Corporation ("GM"). Prior to January 1, 1999, GM conducted the Company's business through various divisions and subsidiaries. Effective January 1, 1999, the assets and liabilities of these divisions and subsidiaries were transferred to the Company in accordance with the terms of a Master Separation Agreement between Delphi and GM. In connection with these transactions, Delphi accelerated its evolution from a North American-based, captive automotive supplier to a global supplier of components, integrated systems, and modules for a wide range of customers and applications. Although GM is still the Company's single largest customer, today more than half of Delphi's revenue is generated from non-GM sources.

C. Events Leading To The Chapter 11 Filing

9. In the first two years following Delphi's separation from GM, the Company generated approximately \$2 billion in net income. Every year thereafter, however, with the exception of 2002, the Company has suffered losses. In calendar year 2004, the Company reported a net loss of approximately \$4.8 billion on \$28.6 billion in net sales.³
Reflective of a continued downturn in the marketplace, in 2005 Delphi incurred net losses of

Reported net losses in calendar year 2004 reflect a \$4.1 billion tax charge, primarily related to the recording of a valuation allowance on U.S. deferred tax assets as of December 31, 2004. The Company's net operating loss in calendar year 2004 was \$482 million.

approximately \$2.4 billion on net sales of \$26.9 billion. Moreover, in 2006 the Debtors incurred a net loss of \$5.5 billion, \$3.0 billion of which comprised charges related to the U.S. employee special attrition programs, and in 2007, the Debtors incurred a net loss of \$3.1 billion.

- deteriorated because of (i) increasingly unsustainable U.S. legacy liabilities and operational restrictions preventing the Debtors from exiting non-profitable, non-core operations, all of which have the effect of creating largely fixed labor costs, (ii) a competitive U.S. vehicle production environment for domestic OEMs resulting in the reduced number of motor vehicles that GM produces annually in the United States and related pricing pressures, and (iii) increasing commodity prices.
- 11. In light of these factors, the Company determined that it would be imprudent and irresponsible to defer addressing and resolving its U.S. legacy liabilities, product portfolio, operational issues, and forward-looking revenue requirements. Because discussions with its major stakeholders had not progressed sufficiently by the end of the third quarter of 2005, the Company commenced these chapter 11 cases for its U.S. businesses to complete its transformation plan and preserve value for its stakeholders.

D. The Debtors' Transformation Plan

transformation plan that it believed would enable it to return to stable, profitable business operations. The Debtors stated that they needed to focus on five key areas: first, modifying the Company's labor agreements to create a competitive arena in which to conduct business; second, concluding their negotiations with GM to finalize GM's financial support for the Debtors' legacy and labor costs and to ascertain GM's business commitment to the Company; third, streamlining their product portfolio to capitalize on their world-class technology and market strengths and

make the necessary manufacturing alignment with their new focus; fourth, transforming their salaried workforce to ensure that the Company's organizational and cost structure is competitive and aligned with its product portfolio and manufacturing footprint; and fifth, devising a workable solution to their current pension situation.

E. <u>Confirmation Of The Debtors' Plan Of Reorganization</u>

- 13. The confirmed Plan is based upon a series of global settlements and compromises that involve nearly every major constituency in the Debtors' reorganization cases. The Global Settlement Agreement and the Master Restructuring Agreement provide for a comprehensive settlement with GM, and both agreements were approved by this Court in the Confirmation Order. With the Plan confirmed, the Debtors are focusing their efforts on satisfying the conditions for the Plan to become effective and allow them to emerge from chapter 11. The Debtors anticipate having the Plan become effective as soon as reasonably practicable.
- 14. Upon the conclusion of the reorganization process, the Debtors expect to emerge as a stronger, more financially sound business with viable U.S. operations that are well-positioned to advance global enterprise objectives. In the meantime, Delphi will marshal all of its resources to continue to deliver high-quality products to its customers globally. Additionally, the Company will preserve and continue the strategic growth of its non-U.S. operations and maintain its prominence as the world's premier auto supplier.

F. The Establishment Of Procedures to Preserve Estate Claims

15. Before the confirmation of the Debtors' Plan, this Court entered on August 16, 2007 that certain Order Under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), And 546(a) And Fed. R. Bankr. P. 7004, 9006(c), And 9018 (i) Authorizing Debtors To Enter Into Stipulations Tolling Statute Of Limitations With Respect To Certain Claims, (ii) Authorizing Procedures To Identify Causes Of Action That Should Be Preserved, And (iii) Establishing

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 445 of 944

Procedures For Certain Adversary Proceedings Including Those Commenced By Debtors Under 11 U.S.C. § 541, 544, 545, 547, 548, Or 553 ("Preservation Of Estate Claims Procedures Order") (Docket No. 9105).

- 16. The purpose of the Preservation Of Estate Claims Procedures Order was two-fold: on the one hand, it permitted the Debtors to preserve their right to pursue (or abandon) certain avoidance actions before the then-impending expiration of the two-year statute of limitations to file such actions; on the other hand, it established procedures to avoid having to force all potential defendants to retain counsel and defend against the adversary proceedings when, in fact, the Debtors anticipated that most of them would be resolved upon the Debtors' emergence from chapter 11 and thus never pursued. To that end, the Preservation Of Estate Claims Procedures Order (i) allowed the Debtors to file adversary proceeding complaints under seal, (ii) directed the Clerk of Court to delay issuing summonses for complaints unless and until the Debtors notified the Clerk of Court of their intent to prosecute such actions, (iii) stayed each adversary action unless and until the Debtors make service of process on the respective defendants, and (iv) extended the deadline under Fed. R. Civ. P. 4(m) by which the Debtors would have to serve process to March 31, 2008, which was less than 60 days beyond the 120-day deadline, so that the complaints would not be subject to dismissal under Fed. R. Civ. P. 4(m). Such relief was intended to allow the Debtors to preserve potentially valuable assets without disrupting the Plan process or business relationships or prejudicing the rights of any defendants.
- 17. In accordance with the Preservation Of Estate Claims Procedures Order, the Debtors commenced 742 adversary proceedings (the "Adversary Proceedings") by filing complaints under seal. On January 25, 2008, the Court entered the Confirmation Order. Under

the Plan, the Debtors will not retain any of the causes of action asserted in the Adversary Proceedings except those specifically listed on Exhibit 7.24 to the Plan.⁴

Relief Requested

Rule 9006(b)(1) and Federal Rule Of Civil Procedure 4(m), made applicable by Bankruptcy Rule 7004(a), to extend the deadline by which the Debtors would be required to serve a summons and complaint upon each defendant under the Preservation Of Estate Claims Procedures Order. Specifically, the Debtors request that the existing March 31, 2008 service deadline set forth in the Preservation Of Estate Claims Procedures Order be extended by two months to May 31, 2008. The Debtors accordingly request that the Court enter the proposed Extension of Avoidance Action Service Deadline Order, a copy of which is annexed hereto as Exhibit A.

Basis For Relief

19. The Debtors intend to emerge from chapter 11 as soon as reasonably practicable. Under the Preservation Of Estate Claims Procedures Order, however, the Debtors' current deadline to serve the summons and complaint on every defendant in the Adversary Proceedings is March 31, 2008. To meet the March 31, 2008 deadline for each of the defendants, the Debtors would first have to request that the Clerk of Court issue in the coming weeks summonses for each of the 742 Adversary Proceedings to allow enough time for the summonses to be issued and subsequently served with the complaints by the March 31, 2008 deadline.

Of the five categories of claims listed by the Debtors on Exhibit 7.24 to the Plan, only the claims relating to Laneko Engineering Co., Wachovia Bank, National Association, Laneko Engineering Co. Inc., and their affiliates and subsidiaries are subject to the Preservation Of Estate Claims Procedures Order. (See Exhibit 7.24 to the Plan (Docket No. 11608).)

- 20. Contemplating that further extensions may be necessary to achieve the goals of the Preservation Of Estate Claims Procedures Order, that order expressly provided that the Debtors' previous extension of the deadline for services of process was "without prejudice [to the Debtors' ability] to seek further extensions" if appropriate. (See Preservation Of Estate Claims Procedures Order ¶ 8.)
- 21. The Debtors now believe that the short two-month extension of the Fed. R. Civ. P. 4(m) deadline that is requested in this Motion is appropriate, and that there is good cause for such an extension. Such an extension would enable the Debtors to fulfill their fiduciary responsibility to preserve valuable estate assets in a manner that would not unnecessarily disrupt the emergence process or the Debtors' current business relationships with potential defendants that are necessary to the Debtors' ongoing operations. Moreover, the requested limited extension would reduce the administrative and economic burdens of the Adversary Proceedings on the Debtors, the Court, the Clerk of Court, and the potential defendants. Specifically, the Debtors believe that the resources that they, the Court, the Clerk of Court, and the defendants would need to expend on issuing and serving 742 summonses and complaints in the Adversary Proceedings at this time—and the potential need thereafter to prosecute and defend such adversary proceedings—would not be in the best interests of the Debtors' estates, the Debtors' stakeholders, and other parties-in-interest because most of the Adversary Proceedings will not be prosecuted once the Plan becomes effective. The Debtors submit that these reasons comprise good cause for the requested extension.

Applicable Authority

22. The Bankruptcy Rules and Federal Rules of Civil Procedure grant this
Court discretion to adopt and implement guidelines which will aid in the administration of
Adversary Proceedings, including discretion to grant the proposed extension of the service of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 448 of 944

process deadline. See In re Sheehan, 253 F.3d 507, 511 (9th Cir. 2001) ("The time for service in an adversary proceeding may be extended under two different rules: Rule 4(m) of the Federal Rules of Civil Procedure, and Bankruptcy Rule 9006(b).").

- 23. Bankruptcy Rule 9006(b)(1) provides for the enlargement of time to perform acts required under the Bankruptcy Rules: "[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order" Fed. R. Bankr. P. 9006(b)(1).
- 24. Moreover, Fed. R. Civil P. 4(m), made applicable here by Bankruptcy Rule 7004(a), requires courts, upon a showing of good cause, to extend the period for service of process after the filing of a complaint. See Bank of Cape Verde v. Bronson, 167 F.R.D. 370, 371-72 (S.D.N.Y. 1996) (good cause existed when future events would have likely "obviated the need to serve the [] complaint" and when plaintiff requested extension before Fed. R. Civ. P. 4(m) deadline expired). Even absent good cause, this Court has discretion to extend the 120-day service period. See Mejia v. Castle Hotel Inc., 164 F.R.D. 343, 345 (S.D.N.Y. 1996).
- 25. The Debtors accordingly request that the Court enter the proposed order, annexed hereto as Exhibit A, which would extend by two months (i.e., from March 31, 2008 to May 31, 2008) the Debtors' Fed. R. Civ. P. 4(m) deadline to serve each defendant in the Adversary Proceedings commenced in connection with the Preservation Of Estate Claims

Procedures Order with a summons and a copy of the complaint, without prejudice to the Debtors' right to seek further extensions of the deadline.⁵

Notice Of Motion

26. Notice of this Motion has been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883), and the Tenth Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered February 4, 2008 (Docket No. 12487). In light of the nature of the relief requested, the Debtors submit that no other or further notice is necessary.

Memorandum Of Law

27. Because the legal points and authorities upon which this Motion relies are incorporated herein, the Debtors respectfully request that the requirement of the service and filing of a separate memorandum of law under Local Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York be deemed satisfied.

Similar relief was granted in <u>In re Ames Dep't Stores, Inc.</u>, No. 01-42217 (REG) (Bankr. S.D.N.Y. Feb. 3, 2004). (<u>See</u> Order Extending Time For Service Of Process With Respect To Certain Preference Actions (Docket No. 2524).)

WHEREFORE the Debtors respectfully request that the Court enter an order

(a) granting the relief requested herein and (b) granting the Debtors such other and further relief as is just.

Dated: New York, New York February 28, 2008

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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John K. Lyons (JL 9331)
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Thomas J. Matz (TM 5986)
Four Times Square
New York, New York 10036

Attorneys for Delphi Corporation, <u>et al.</u>, Debtors and Debtors-in-Possession

| UNITED STATES BANKKUP | | KI | |
|---------------------------------|-------------|-----|-------------------------|
| SOUTHERN DISTRICT OF N | EW YORK | | |
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| In re | | : | Chapter 11 |
| | | : | |
| DELPHI CORPORATION, <u>et a</u> | <u>l.</u> , | : | Case No. 05-44481 (RDD) |
| | | : | |
| D | ebtors. | : | (Jointly Administered) |
| | | : | |
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ORDER PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER")

Upon the motion, dated February 28, 2008 (the "Motion"), of Delphi

Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-inpossession in the above-captioned cases (collectively, the "Debtors"), for an order under

Federal Rules of Bankruptcy Procedure 7004(a) and 9006(b)(1) and Federal Rule of Civil

Procedure 4(m) to extend the deadline to serve process for Adversary Proceedings¹

commenced in connection with the Preservation Of Estate Claims Procedures Order²

(Docket No. 9105); and upon the record of the hearing held on the Motion; and this Court

having determined that the relief requested in the Motion is in the best interests of the

Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that

proper and adequate notice of the Motion has been given and that no other or further notice

Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

The Adversary Proceedings are listed by adversary proceeding number on Exhibit A attached hereto.

is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED.
- 2. Paragraph 8 of the Preservation Of Estate Claims Procedures Order is modified so that the time under Federal Rule of Civil Procedure 4(m) by which the Debtors must serve a defendant in the Adversary Proceedings with a summons and complaint is further extended to May 31, 2008, without prejudice to the Debtors' right to seek further extensions. The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable. All other provisions of the Preservation Of Estate Claims Procedures Order shall remain in effect.
- 3. This order shall be deemed entered in each of the Adversary Proceedings.
- 4. The Debtors shall file a copy of this order in each of the Adversary Proceedings.
- 5. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this order.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 453 of 944

| | 6. | The requirement unde | r Rule 9013-1(b) of the Local Bankruptcy |
|---------------------------------------|----------|------------------------|---|
| Rules for the | United S | States Bankruptcy Cour | t for the Southern District of New York for |
| the service an | d filing | of a separate memorane | dum of law is deemed satisfied by the Motion. |
| Dated: New York, New York March, 2008 | | | |
| | | | NITED STATES BANKRUPTCY JUDGE |

- 11 Pg 454 of 944 **DELPHI ADVERSARY PROCEEDING NUMBERS**

| 07-02072 | 07-02209 | 07-02251 |
|----------|----------|----------|
| 07-02084 | 07-02213 | 07-02255 |
| 07-02090 | 07-02214 | 07-02259 |
| 07-02096 | 07-02219 | 07-02261 |
| 07-02101 | 07-02224 | 07-02265 |
| 07-02106 | 07-02227 | 07-02267 |
| 07-02115 | 07-02231 | 07-02270 |
| 07-02120 | 07-02077 | 07-02273 |
| 07-02124 | 07-02080 | 07-02276 |
| 07-02138 | 07-02083 | 07-02277 |
| 07-02142 | 07-02091 | 07-02280 |
| 07-02147 | 07-02095 | 07-02281 |
| 07-02150 | 07-02102 | 07-02282 |
| 07-02154 | 07-02105 | 07-02283 |
| 07-02157 | 07-02112 | 07-02284 |
| 07-02163 | 07-02117 | 07-02288 |
| 07-02170 | 07-02123 | 07-02291 |
| 07-02184 | 07-02125 | 07-02293 |
| 07-02190 | 07-02128 | 07-02074 |
| 07-02198 | 07-02130 | 07-02078 |
| 07-02202 | 07-02135 | 07-02082 |
| 07-02204 | 07-02137 | 07-02085 |
| 07-02208 | 07-02143 | 07-02089 |
| 07-02076 | 07-02148 | 07-02093 |
| 07-02081 | 07-02152 | 07-02108 |
| 07-02087 | 07-02159 | 07-02114 |
| 07-02097 | 07-02165 | 07-02119 |
| 07-02104 | 07-02169 | 07-02122 |
| 07-02112 | 07-02174 | 07-02126 |
| 07-02132 | 07-02175 | 07-02129 |
| 07-02140 | 07-02182 | 07-02131 |
| 07-02145 | 07-02189 | 07-02136 |
| 07-02153 | 07-02196 | 07-02141 |
| 07-02160 | 07-02200 | 07-02146 |
| 07-02166 | 07-02088 | 07-02151 |
| 07-02171 | 07-02094 | 07-02156 |
| 07-02180 | 07-02099 | 07-02158 |
| 07-02186 | 07-02103 | 07-02164 |
| 07-02191 | 07-02109 | 07-02167 |
| 07-02195 | 07-02110 | 07-02172 |
| 07-02201 | 07-02239 | 07-02176 |
| 07-02205 | 07-02244 | 07-02179 |
| 07-02207 | 07-02248 | 07-02183 |
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| 07-02187 | 07-02107 | 07-02334 |
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| 07-02193 | 07-02111 | 07-02337 |
| 07-02233 | 07-02118 | 07-02340 |
| 07-02238 | 07-02107 | 07-02346 |
| 07-02243 | 07-02149 | 07-02350 |
| 07-02247 | 07-02162 | 07-02354 |
| 07-02249 | 07-02173 | 07-02359 |
| 07-02253 | 07-02178 | 07-02237 |
| 07-02257 | 07-02185 | 07-02240 |
| 07-02263 | 07-02192 | 07-02246 |
| 07-02075 | 07-02197 | 07-02258 |
| 07-02086 | 07-02203 | 07-02264 |
| 07-02100 | 07-02211 | 07-02271 |
| 07-02116 | 07-02214 | 07-02274 |
| 07-02121 | 07-02218 | 07-02279 |
| 07-02127 | 07-02223 | 07-02285 |
| 07-02133 | 07-02229 | 07-02289 |
| 07-02139 | 07-02232 | 07-02294 |
| 07-02144 | 07-02234 | 07-02298 |
| 07-02155 | 07-02236 | 07-02302 |
| 07-02161 | 07-02242 | 07-02312 |
| 07-02168 | 07-02215 | 07-02316 |
| 07-02177 | 07-02220 | 07-02324 |
| 07-02181 | 07-02222 | 07-02330 |
| 07-02188 | 07-02226 | 07-02336 |
| 07-02194 | 07-02230 | 07-02342 |
| 07-02199 | 07-02252 | 07-02347 |
| 07-02206 | 07-02256 | 07-02783 |
| 07-02210 | 07-02262 | 07-02355 |
| 07-02212 | 07-02266 | 07-02361 |
| 07-02217 | 07-02269 | 07-02367 |
| 07-02221 | 07-02272 | 07-02373 |
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| 07-02235 | 07-02299 | 07-02405 |
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| 07-02250 | 07-02309 | 07-02304 |
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| 07-02260 | 07-02318 | 07-02311 |
| 07-02079 | 07-02321 | 07-02315 |
| 07-02092 | 07-02326 | 07-02320 |
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| 07-02328 | 07-02485 | 07-02706 |
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| 07-02333 | 07-02488 | 07-02708 |
| 07-02784 | 07-02490 | 07-02710 |
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| 07-02341 | 07-02497 | 07-02714 |
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| 07-02349 | 07-02503 | 07-02717 |
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| 07-02356 | 07-02510 | 07-02719 |
| 07-02360 | 07-02513 | 07-02720 |
| 07-02363 | 07-02517 | 07-02721 |
| 07-02364 | 07-02521 | 07-02723 |
| 07-02369 | 07-02525 | 07-02726 |
| 07-02374 | 07-02528 | 07-02728 |
| 07-02377 | 07-02532 | 07-02730 |
| 07-02382 | 07-02535 | 07-02732 |
| 07-02384 | 07-02538 | 07-02734 |
| 07-02386 | 07-02544 | 07-02736 |
| 07-02388 | 07-02547 | 07-02738 |
| 07-02390 | 07-02549 | 07-02739 |
| 07-02392 | 07-02286 | 07-02741 |
| 07-02393 | 07-02290 | 07-02743 |
| 07-02396 | 07-02295 | 07-02745 |
| 07-02402 | 07-02297 | 07-02747 |
| 07-02407 | 07-02301 | 07-02749 |
| 07-02417 | 07-02305 | 07-02751 |
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| 07-02464 | 07-02357 | 07-02368 |
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| 07-02478 | 07-02701 | 07-02383 |
| 07-02481 | 07-02703 | 07-02785 |
| 07-02483 | 07-02704 | 07-02387 |
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| 07-02389 | 07-02498 | 07-02537 |
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| 07-02401 | 07-02507 | 07-02559 |
| 07-02403 | 07-02520 | 07-02560 |
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| 07-02413 | 07-02533 | 07-02564 |
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| 07-02423 | 07-02414 | 07-02567 |
| 07-02425 | 07-02418 | 07-02568 |
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| 07-02453 | 07-02469 | 07-02582 |
| 07-02456 | 07-02471 | 07-02583 |
| 07-02457 | 07-02476 | 07-02584 |
| 07-02460 | 07-02479 | 07-02585 |
| 07-02463 | 07-02482 | 07-02587 |
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| 07-02489 | 07-02526 | 07-02331 |
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| 07-02353 | 07-02755 | 07-02640 |
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| 07-02380 | 07-02767 | 07-02645 |
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| 07-02689 | 07-02771 | 07-02649 |
| 07-02690 | 07-02772 | 07-02650 |
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| 07-02692 | 07-02774 | 07-02652 |
| 07-02693 | 07-02775 | 07-02653 |
| 07-02694 | 07-02776 | 07-02654 |
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| 07-02744 | 07-02635 | 07-02678 |
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| 07-02748 | 07-02637 | 07-02680 |
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| 07-02683 | 07-02588 | 07-02810 |
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| 07-02684 | 07-02590 | 07-02811 |
| 07-02685 | 07-02592 | 07-02812 |
| 07-02686 | 07-02593 | 07-02813 |
| 07-02687 | 07-02594 | 07-02814 |
| 07-02688 | 07-02595 | 07-02815 |
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| 07-02404 | 07-02597 | 07-02817 |
| 07-02409 | 07-02598 | 07-02818 |
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| 07-02412 | 07-02600 | 07-02862 |
| 07-02415 | 07-02601 | |
| 07-02422 | 07-02602 | |
| 07-02426 | 07-02603 | |
| 07-02431 | 07-02604 | |
| 07-02437 | 07-02605 | |
| 07-02789 | 07-02606 | |
| 07-02440 | 07-02607 | |
| 07-02790 | 07-02608 | |
| 07-02444 | 07-02609 | |
| 07-02494 | 07-02610 | |
| 07-02502 | 07-02611 | |
| 07-02505 | 07-02612 | |
| 07-02509 | 07-02613 | |
| 07-02514 | 07-02614 | |
| 07-02519 | 07-02615 | |
| 07-02523 | 07-02616 | |
| 07-02534 | 07-02794 | |
| 07-02539 | 07-02803 | |
| 07-02542 | 07-02805 | |
| 07-02546 | 07-02797 | |
| 07-02550 | 07-02795 | |
| 07-02551 | 07-02796 | |
| 07-02552 | 07-02798 | |
| 07-02553 | 07-02799 | |
| 07-02554 | 07-02800 | |
| 07-02555 | 07-02801 | |
| 07-02556 | 07-02802 | |
| 07-02557 | 07-02804 | |
| 07-02558 | 07-02806 | |
| 07-02579 | 07-02807 | |
| 07-02581 | 07-02808 | |
| 07-02586 | 07-02809 | |
| | | |

Hearing Date And Time: March 19, 2008 at 10:00 a.m. Objection Deadline: March 12, 2008 at 4:00 p.m.

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- and -

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Delphi Legal Information Website: http://www.delphidocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

Debtors. : (Jointly Administered)

:

NOTICE OF MOTION PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 461 of 944

PLEASE TAKE NOTICE that on February 28, 2008, Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), filed a Motion Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (the "Motion").

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the Motion will be held on March 19, 2008 at 10:00 a.m. (prevailing Eastern time) (the "Hearing") before the Honorable Robert D. Drain, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Room 610, New York, New York 10004 (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must

(a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure, the Local

Bankruptcy Rules for the Southern District of New York, the Supplemental Order Under

11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014

Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And

Administrative Procedures, entered March 20, 2006 (the "Supplemental Case Management

Order") (Docket No. 2883), and the Tenth Supplemental Order Under 11 U.S.C. §§ 102(1) And

105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates

And Certain Notice, Case Management, And Administrative Procedures, entered February 4,

2008 (Docket No. 12487) (the "Tenth Supplemental Case Management Order"), (c) be filed with

the Bankruptcy Court in accordance with General Order M-242 (as amended) – registered users

of the Bankruptcy Court's case filing system must file electronically, and all other parties-in-

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 462 of 944

interest must file on a 3.5 inch disk (preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format), (d) be submitted in hardcopy form directly to the chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and (e) be served upon (i) Delphi Corporation, 5725 Delphi Drive, Troy, Michigan 48098 (Att'n: General Counsel), (ii) counsel to the Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, 333 West Wacker Drive, Suite 2100, Chicago, Illinois 60606 (Att'n: John Wm. Butler, Jr.), (iii) counsel for the agent under the postpetition credit facility, Davis Polk & Wardwell, 450 Lexington Avenue, New York, New York 10017 (Att'n: Donald Bernstein and Brian Resnick), (iv) counsel for the official committee of unsecured creditors, Latham & Watkins LLP, 885 Third Avenue, New York, New York 10022 (Att'n: Robert J. Rosenberg and Mark A. Broude), (v) counsel for the official committee of equity security holders, Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, New York 10004 (Att'n: Bonnie Steingart), and (vi) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, Suite 2100, New York, New York 10004 (Att'n: Alicia M. Leonhard), in each case so as to be received no later than 4:00 p.m. (prevailing Eastern time) on March 12, 2008 (the "Objection Deadline").

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 463 of 944

PLEASE TAKE FURTHER NOTICE that only those objections made as set forth herein and in accordance with the Supplemental Case Management Order and the Tenth Supplemental Case Management Order will be considered by the Bankruptcy Court at the Hearing. If no objections to the Motion are timely filed and served in accordance with the procedures set forth herein and in the Supplemental Case Management Order and the Tenth Supplemental Case Management Order, the Bankruptcy Court may enter an order granting the Motion without further notice.

Dated: New York, New York February 28, 2008

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ John Wm. Butler, Jr.
John Wm. Butler, Jr. (JB 4711)
John K. Lyons (JL 4951)
Ron E. Meisler (RM 3026)
333 West Wacker Drive, Suite 2100
Chicago, Illinois 60606
(312) 407-0700

- and -

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Kayalyn A. Marafioti (KM 9632)
Thomas J. Matz (TM 5986)
Four Times Square
New York, New York 10036
(212) 735-3000

Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

EXHIBIT E

March 19, 2008 Hearing Transcript

ORIGINAL

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| 1. | |
| 2 | UNITED STATES BANKRUPTCY COURT |
| 3 | SOUTHERN DISTRICT OF NEW YORK |
| 4 | Case No. 05-44481 |
| 5 | x |
| 6 | In the Matter of: |
| 7 | |
| 8 | DELPHI CORPORATION, |
| 9 | |
| 10 | Debtor. |
| 11 | |
| 12 | x |
| 13 | |
| 14 | United States Bankruptcy Court |
| 15 | One Bowling Green |
| 16 | New York, New York |
| 17 | |
| 18 | March 19, 2008 |
| 19 | 10:09 AM |
| 20 | |
| 21 | BEFORE: |
| 22 | HON. ROBERT D. DRAIN |
| 23 | U.S. BANKRUPTCY JUDGE |
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prudent to file this motion. As I indicated, it's been reviewed with our statutory committees and with other stakeholders. No objections have been filed.

THE COURT: Okay. Does anyone want to say anything on this motion? All right. I've reviewed it and the motion clearly sets forth cause for, as you said, a precautionary extension of exclusivity so I'll grant that.

MR. BUTLER: Thank you, Your Honor. Your Honor, matter number 3 on the agenda is our motion to extend the Rule 4(m) time for services of summonses relating to avoidance actions that were filed under the preservation of the estate claims procedures order. This motion is filed at docket number 12922 and this motion is also unopposed.

Essentially, Your Honor, what we're asking you to do is to extend the time for an additional sixty days for summonses to be served in connection to serve a complete process in connection with all of the individual adversary complaints that were filed under the estate claims procedures order. And you previously had granted us an extension through March 31, 2008 and that was slightly less than sixty days beyond the 120-day deadline set forth in Federal Civil Procedure 4(m). And that rule does provide -- in the case law interpreting it, it does provide the opportunity for the plaintiffs to come in and establish cause with the Court as to an appropriate extension of those summonses.

Under case law here in the Southern District, this

Court has discretion to extend the 120-day service period and

it is a discretionary matter. And it is particularly seen as

good cause when there is a reasonable belief that future events

would likely obviate the need to serve the complaint and

prosecute the actions. That can be -- is obviously, Your

Honor, in this case, I think, self-evident. Upon the

confirmation of a plan, I believe all but one, possibly two of

those matters, would end up not being pursued. They would end

up being dismissed as of the effective date and would not be

pursued. Similar relief of this nature has been granted in

other cases -- Chapter 11 cases in this district, including in

the Ames Department Store case in 2004 where a further

extension was granted at docket number 2524 in that case.

Your Honor, we believe that there is no reason to move forward with the service of summons with respect to the 742 adversary proceedings that are under seal. We would ask Your Honor to give us an additional sixty days through May 31st to address that issue.

THE COURT: Okay. Does anyone have anything to say on this motion? All right. I had one question and you alluded to this. The plan did reserve or retain the ability to pursue a very small number of avoidance actions. And my question is with regard to that small group, have the debtors determined, assuming the plan goes effective, that those will definitely be

23 pursued or is that still something they're analyzing in light 1 of the cost of pursuing it versus the net gain of a victory --2 MR. BUTLER: I think, Your Honor --3 THE COURT: -- or potential victory? 4 MR. BUTLER: -- those are still under analysis. 5 were retained because of the unique circumstances that were 6 pled in those particular proceedings. And I don't think a 7 final decision has been made as to whether those would actually 8 be pursued. But obviously, we did make -- we did do enough 9 analysis to decide that as opposed to the other 740 odd actions 10 that these should be retained for that purpose. 11 THE COURT: Did those defendants get notice of the 12 motion? 13 MR. BUTLER: Everyone received notice of the 4 (m) 14 motion, I believe. Let me make sure. Is that -- I want to 15 just double check with my folks. It went to the 2002 services, 16 I know for sure. Just give us one second, Your Honor. 17 THE COURT: Okay. 18 MR. BUTLER: Your Honor, I'm almost certain that they 19 would have not gotten individualized notice unless they were on 20 the 2002 list. 21 THE COURT: Okay. 22 MR. BUTLER: And the reason for that is I'm not sure 23 24 they know about the existence of the pleadings. THE COURT: All right. Well, I debated whether to 25

24 have you settle the order on those -- that handful of people. I mean, normally, no one wants to have litigation be activated but I think the rationale potentially for them is a little different than the others. So I think I'll -- particularly, if we're not sure whether they got the notice. MR. BUTLER: Your Honor, I think -- let me just --THE COURT: If they're on the 2002 list, you don't need to settle it. If they weren't -- they weren't served with it, I'd like you to settle it as to the handful of people that the plan at least contemplates would be pursued. MR. BUTLER: Right. THE COURT: With regard to the vast majority, all the others, clearly there's a good basis for not activating that litigation. It would be moot upon consummation of the plan. MR. BUTLER: We'll do that, Your Honor. And the existence of those folks is obviously that that exhibit to the plan is public. So everyone knows what that retention is. So --THE COURT: Right. MR. BUTLER: -- we will deal with that and we will settle the order. If they're not --THE COURT: You can do it five days notice. MR. BUTLER: Okay. Thank you, Your Honor. Okay. If they're not on the 2002 list. THE COURT: MR. BUTLER: Thanks -- thank you, Your Honor. Your

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EXHIBIT F

Extension of Avoidance Action Service Deadline Order

| UNITED STATES BANKRUPTCY CO | UKI | |
|------------------------------|---------------|-------------------------|
| SOUTHERN DISTRICT OF NEW YOR | kΚ | |
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| | X | |
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| In re | : | Chapter 11 |
| DELPHI CORPORATION, et al., | : | Case No. 05-44481 (RDD) |
| Debtors. | : | (Jointly Administered) |
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v | |
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ORDER PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER")

Upon the unopposed motion, dated February 28, 2008 (the "Motion"), of Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), for an order under Federal Rules of Bankruptcy Procedure 7004(a) and 9006(b)(1) and Federal Rule of Civil Procedure 4(m) to extend the deadline to serve process for Adversary Proceedings¹ commenced in connection with the Preservation Of Estate Claims Procedures Order² (Docket No. 9105); and upon the record of the hearing held on the Motion; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given, and it appearing that the notice



Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

of the presentment of this order has been given in accordance with this Court's direction and Local Rule 9074-1 to the parties in the adversary proceeding that is subject to the Preservation of Estate Claims Procedures Order and listed on Exhibit 7.24 of the Debtors' Plan, and it appearing that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED.
- 2. Paragraph 8 of the Preservation Of Estate Claims Procedures Order is hereby modified so that the time under Federal Rule of Civil Procedure 4(m) by which the Debtors must serve a defendant in the Adversary Proceedings with a summons and complaint is further extended to May 31, 2008, without prejudice to the Debtors' right to seek further extensions. The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable. All other provisions of the Preservation Of Estate Claims Procedures Order shall remain in effect.
- This order shall be deemed entered in each of the Adversary
 Proceedings.
- 4. The Debtors shall file a copy of this order in each of the Adversary Proceedings.
- 5. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this order.

The Adversary Proceedings are listed by adversary proceeding number on Exhibit A attached hereto.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 473 of 944

6. The requirement under Rule 9013-1(b) of the Local Bankruptcy
Rules for the United States Bankruptcy Court for the Southern District of New York for
the service and filing of a separate memorandum of law is deemed satisfied by the Motion.

Dated: New York, New York March 28, 2008

/s/ Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

| 07 00070 | 07.0000 | 05 00054 |
|----------|----------|----------|
| 07-02072 | 07-02209 | 07-02251 |
| 07-02084 | 07-02213 | 07-02255 |
| 07-02090 | 07-02214 | 07-02259 |
| 07-02096 | 07-02219 | 07-02261 |
| 07-02101 | 07-02224 | 07-02265 |
| 07-02106 | 07-02227 | 07-02267 |
| 07-02115 | 07-02231 | 07-02270 |
| 07-02120 | 07-02077 | 07-02273 |
| 07-02124 | 07-02080 | 07-02276 |
| 07-02138 | 07-02083 | 07-02277 |
| 07-02142 | 07-02091 | 07-02280 |
| 07-02147 | 07-02095 | 07-02281 |
| 07-02150 | 07-02102 | 07-02282 |
| 07-02154 | 07-02105 | 07-02283 |
| 07-02157 | 07-02112 | 07-02284 |
| 07-02163 | 07-02117 | 07-02288 |
| 07-02170 | 07-02123 | 07-02291 |
| 07-02184 | 07-02125 | 07-02293 |
| 07-02190 | 07-02128 | 07-02074 |
| 07-02198 | 07-02130 | 07-02078 |
| 07-02202 | 07-02135 | 07-02082 |
| 07-02204 | 07-02137 | 07-02085 |
| 07-02208 | 07-02143 | 07-02089 |
| 07-02076 | 07-02148 | 07-02093 |
| 07-02081 | 07-02152 | 07-02108 |
| 07-02087 | 07-02159 | 07-02114 |
| 07-02097 | 07-02165 | 07-02119 |
| 07-02104 | 07-02169 | 07-02122 |
| 07-02112 | 07-02174 | 07-02126 |
| 07-02132 | 07-02175 | 07-02129 |
| 07-02140 | 07-02182 | 07-02131 |
| 07-02145 | 07-02189 | 07-02136 |
| 07-02153 | 07-02196 | 07-02141 |
| 07-02160 | 07-02200 | 07-02146 |
| 07-02166 | 07-02088 | 07-02151 |
| 07-02171 | 07-02094 | 07-02156 |
| 07-02180 | 07-02099 | 07-02158 |
| 07-02186 | 07-02103 | 07-02164 |
| 07-02191 | 07-02109 | 07-02167 |
| 07-02195 | 07-02110 | 07-02172 |
| 07-02201 | 07-02239 | 07-02176 |
| 07-02205 | 07-02244 | 07-02179 |
| 07-02207 | 07-02248 | 07-02183 |
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| 07-02187 | 07-02107 | 07-02334 |
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| 07-02193 | 07-02111 | 07-02337 |
| 07-02233 | 07-02118 | 07-02340 |
| 07-02238 | 07-02107 | 07-02346 |
| 07-02243 | 07-02149 | 07-02350 |
| 07-02247 | 07-02162 | 07-02354 |
| 07-02249 | 07-02173 | 07-02359 |
| 07-02253 | 07-02178 | 07-02237 |
| 07-02257 | 07-02185 | 07-02240 |
| 07-02263 | 07-02192 | 07-02246 |
| 07-02075 | 07-02197 | 07-02258 |
| 07-02086 | 07-02203 | 07-02264 |
| 07-02100 | 07-02211 | 07-02271 |
| 07-02116 | 07-02214 | 07-02274 |
| 07-02121 | 07-02218 | 07-02279 |
| 07-02127 | 07-02223 | 07-02285 |
| 07-02133 | 07-02229 | 07-02289 |
| 07-02139 | 07-02232 | 07-02294 |
| 07-02144 | 07-02234 | 07-02298 |
| 07-02155 | 07-02236 | 07-02302 |
| 07-02161 | 07-02242 | 07-02312 |
| 07-02168 | 07-02215 | 07-02316 |
| 07-02177 | 07-02220 | 07-02324 |
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| 07-02206 | 07-02256 | 07-02783 |
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| 07-02250 | 07-02309 | 07-02304 |
| 07-02254 | 07-02314 | 07-02308 |
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| 07-02328 | 07-02485 | 07-02706 |
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| 07-02341 | 07-02497 | 07-02714 |
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| 07-02349 | 07-02503 | 07-02717 |
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| 07-02426 | 07-02603 | |
| 07-02431 | 07-02604 | |
| 07-02437 | 07-02605 | |
| 07-02789 | 07-02606 | |
| 07-02440 | 07-02607 | |
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| 07-02502 | 07-02611 | |
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| 07-02519 | 07-02615 | |
| 07-02523 | 07-02616 | |
| 07-02534 | 07-02794 | |
| 07-02539 | 07-02803 | |
| 07-02542 | 07-02805 | |
| 07-02546 | 07-02797 | |
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| 07-02554 | 07-02800 | |
| 07-02555 | 07-02801 | |
| 07-02556 | 07-02802 | |
| 07-02557 | 07-02804 | |
| 07-02558 | 07-02806 | |
| 07-02579 | 07-02807 | |
| 07-02581 | 07-02808 | |
| 07-02586 | 07-02809 | |
| | | |

EXHIBIT G

Postconfirmation Extension of Avoidance Action Service Deadline Motion

Hearing Date And Time: April 30, 2008 at 10:00 a.m. Objection Deadline: April 23, 2008 at 4:00 p.m.

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Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

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Toll Free: (800) 718-5305 International: (248) 813-2698

Delphi Legal Information Website: http://www.delphidocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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Chapter 11 In re

DELPHI CORPORATION, et al., Case No. 05-44481 (RDD)

(Jointly Administered)

Debtors.

MOTION PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE **DEADLINE MOTION")**



Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submit this Motion Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (Docket No. 9105) (the "Motion"), and respectfully represent as follows:

Background

A. <u>The Chapter 11 Filings</u>

- 1. On October 8 and 14, 2005, the Debtors filed voluntary petitions in this Court for reorganization relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1330, as then amended (the "Bankruptcy Code"). The Debtors continue to operate their businesses and manage their properties as debtors-in-possession under Bankruptcy Code sections 1107(a) and 1108. This Court has ordered joint administration of these cases.
- 2. No trustee or examiner has been appointed in these cases. On October 17, 2005, the Office of the United States Trustee (the "U.S. Trustee") appointed an official committee of unsecured creditors. On April 28, 2006, the U.S. Trustee appointed an official committee of equity holders (together with the official committee of unsecured creditors, the "Statutory Committees").
- 3. On September 6, 2007, the Debtors filed the Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In Possession (Docket No. 9263) and the Disclosure Statement With Respect To Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In Possession (Docket No. 9264). Subsequently, on December 10, 2007, the Debtors filed the First Amended Joint Plan Of

Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In-Possession (Docket No. 11386) (the "Plan") and the First Amended Disclosure Statement with respect to the Plan (Docket No. 11388) (the "Disclosure Statement"). The Court entered an order approving the adequacy of the Disclosure Statement and granting the related solicitation procedures motion on December 10, 2007 (Docket No. 11389). On January 25, 2008, the Court entered an order confirming the Plan, as modified (Docket No. 12359) (the "Confirmation Order"), which became a final order on February 4, 2008.

- 4. On April 4, 2008, the Debtors announced that although they had met the conditions required to substantially consummate the Plan, including obtaining \$6.1 billion of exit financing, Delphi's Plan Investors (as defined in the Plan) refused to participate in a closing that was commenced but not completed and refused to fund their Investment Agreement (as defined in the Plan) with Delphi. The Debtors are prepared to pursue actions with respect to the Plan Investors that are in the best interests of the Debtors and their stakeholders and are working with their stakeholders to achieve their goal of emerging from chapter 11 as soon as practicable.
- 5. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding under 28 U.S.C. § 157(b)(2).
- 6. The statutory predicates for the relief requested herein are rules 7004 and 9004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and rule 4(m) of the Federal Rules of Civil Procedure.

B. Current Business Operations Of The Debtors

7. Delphi and its subsidiaries and affiliates (collectively, the "Company") as of December 31, 2007 had global net sales of \$22.3 billion and global assets of approximately

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 485 of 944

\$13.7 billion.¹ At the time of its chapter 11 filing, Delphi ranked as the fifth largest public company business reorganization in terms of revenues and the thirteenth largest public company business reorganization in terms of assets. Delphi's non-U.S. subsidiaries are not chapter 11 debtors and have continued their business operations without supervision from the Court.²

- 8. The Company is a leading global technology innovator with significant engineering resources and technical competencies in a variety of disciplines, and is one of the largest global suppliers of vehicle electronics, transportation components, integrated systems and modules, and other electronic technology. The Company supplies products to nearly every major global automotive original equipment manufacturer ("OEM").
- 9. Delphi was incorporated in Delaware in 1998 as a wholly owned subsidiary of General Motors Corporation ("GM"). Prior to January 1, 1999, GM conducted the Company's business through various divisions and subsidiaries. Effective January 1, 1999, the assets and liabilities of these divisions and subsidiaries were transferred to the Company in accordance with the terms of a Master Separation Agreement between Delphi and GM. In connection with these transactions, Delphi accelerated its evolution from a North American-based, captive automotive supplier to a global supplier of components, integrated systems, and modules for a wide range of customers and applications. Although GM is still the Company's

The aggregated financial data used herein generally consists of consolidated information from Delphi and its worldwide subsidiaries and affiliates as disclosed in the Company's Form 10-K filed on February 19, 2008.

On March 20, 2007, Delphi Automotive Systems Espana S.L. ("DASE"), whose sole operation is a non-core automotive component plant in Cadiz, Spain, filed a "Concurso" application for a Spanish insolvency proceeding, which was approved by the Spanish court on April 13, 2007. On July 4, 2007, DASE, its Concurso receivers, and the Cadiz workers councils and unions reached a settlement on a social plan, the funding of which was approved by this Court on July 19, 2007. The Spanish court approved the social plan on July 31, 2007. The Concurso proceeding is consistent with Delphi's transformation plan to optimize its manufacturing footprint and to lower its overall cost structure.

single largest customer, today more than half of Delphi's revenue is generated from non-GM sources.

C. Events Leading To The Chapter 11 Filing

- 10. In the first two years following Delphi's separation from GM, the Company generated approximately \$2 billion in net income. Every year thereafter, however, with the exception of 2002, the Company has suffered losses. In calendar year 2004, the Company reported a net loss of approximately \$4.8 billion on \$28.6 billion in net sales.³ Reflective of a continued downturn in the marketplace, in 2005 Delphi incurred net losses of approximately \$2.4 billion on net sales of \$26.9 billion. Moreover, in 2006 the Debtors incurred a net loss of \$5.5 billion, \$3.0 billion of which comprised charges related to the U.S. employee special attrition programs, and in 2007, the Debtors incurred a net loss of \$3.1 billion.
- deteriorated because of (i) increasingly unsustainable U.S. legacy liabilities and operational restrictions preventing the Debtors from exiting non-profitable, non-core operations, all of which have the effect of creating largely fixed labor costs, (ii) a competitive U.S. vehicle production environment for domestic OEMs resulting in the reduced number of motor vehicles that GM produces annually in the United States and related pricing pressures, and (iii) increasing commodity prices.
- 12. In light of these factors, the Company determined that it would be imprudent and irresponsible to defer addressing and resolving its U.S. legacy liabilities, product portfolio, operational issues, and forward-looking revenue requirements. Because discussions

Reported net losses in calendar year 2004 reflect a \$4.1 billion tax charge, primarily related to the recording of a valuation allowance on U.S. deferred tax assets as of December 31, 2004. The Company's net operating loss in calendar year 2004 was \$482 million.

with its major stakeholders had not progressed sufficiently by the end of the third quarter of 2005, the Company commenced these chapter 11 cases for its U.S. businesses to complete its transformation plan and preserve value for its stakeholders.

D. The Debtors' Transformation Plan

transformation plan that it believed would enable it to return to stable, profitable business operations. The Debtors stated that they needed to focus on five key areas: first, modifying the Company's labor agreements to create a competitive arena in which to conduct business; second, concluding their negotiations with GM to finalize GM's financial support for the Debtors' legacy and labor costs and to ascertain GM's business commitment to the Company; third, streamlining their product portfolio to capitalize on their world-class technology and market strengths and make the necessary manufacturing alignment with their new focus; fourth, transforming their salaried workforce to ensure that the Company's organizational and cost structure is competitive and aligned with its product portfolio and manufacturing footprint; and fifth, devising a workable solution to their current pension situation.

E. Plan Confirmation And Postconfirmation Matters

14. The confirmed Plan is based upon a series of global settlements and compromises that involve nearly every major constituency in the Debtors' reorganization cases. The Global Settlement Agreement and the Master Restructuring Agreement provide for a comprehensive settlement with GM, and both agreements were approved by this Court in the Confirmation Order. After the Plan was confirmed, the Debtors focused their efforts on satisfying the conditions for the Plan to become effective. The Debtors satisfied those conditions and on April 4, 2008 began a formal closing process attended by representatives of GM, the exit lenders, and the Statutory Committees. The Plan Investors, however, refused to participate in the

closing or fund their obligations under the Investment Agreement. Instead, the Plan Investors delivered written notices purporting to terminate the Investment Agreement based on both alleged breaches by the Debtors and the failure of the Plan's effective date to occur by April 4, 2008. The Debtors are prepared to pursue actions against the Plan Investors that are in the best interests of the Debtors and their stakeholders and are working with their stakeholders to evaluate their options to move forward with emerging from chapter 11 as soon as reasonably practicable.

15. Upon the conclusion of the reorganization process, the Debtors expect to emerge as a stronger, more financially sound business with viable U.S. operations that are well-positioned to advance global enterprise objectives. In the meantime, Delphi will marshal all of its resources to continue to deliver high-quality products to its customers globally. Additionally, the Company will preserve and continue the strategic growth of its non-U.S. operations and maintain its prominence as the world's premier auto supplier.

F. The Establishment Of Procedures to Preserve Estate Claims

16. Before the confirmation of the Debtors' Plan, this Court on August 16, 2007 entered that certain Order Under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), And 546(a) And Fed. R. Bankr. P. 7004, 9006(c), And 9018 (i) Authorizing Debtors To Enter Into Stipulations Tolling Statute Of Limitations With Respect To Certain Claims, (ii) Authorizing Procedures To Identify Causes Of Action That Should Be Preserved, And (iii) Establishing Procedures For Certain Adversary Proceedings Including Those Commenced By Debtors Under 11 U.S.C. § 541, 544, 545, 547, 548, Or 553 ("Preservation Of Estate Claims Procedures Order") (Docket No. 9105). On March 28, 2008, this Court entered the Order Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 489 of 944

Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (Docket No. 13277) (the "Deadline Extension Order").

- 17. The purpose of the Preservation Of Estate Claims Procedures Order was two-fold: on the one hand, it permitted the Debtors to preserve their right to pursue (or abandon) certain avoidance actions before the then-impending expiration of the two-year statute of limitations to file such actions; on the other hand, it established procedures to avoid having to force all potential defendants to retain counsel and defend against the adversary proceedings when, in fact, the Debtors anticipated that most of them would be resolved upon the Debtors' emergence from chapter 11 and thus never pursued. To that end, the Preservation Of Estate Claims Procedures Order and the Deadline Extension Order (i) allowed the Debtors to file adversary proceeding complaints under seal, (ii) directed the Clerk of Court to delay issuing summonses for complaints unless and until the Debtors notified the Clerk of Court of their intent to prosecute such actions, (iii) stayed each adversary action unless and until the Debtors make service of process on the respective defendants, and (iv) extended the deadline under Fed. R. Civ. P. 4(m) by which the Debtors would have to serve process to May 31, 2008, so that the complaints would not be subject to dismissal under Fed. R. Civ. P. 4(m). Such relief was intended to allow the Debtors to preserve potentially valuable assets without disrupting the Plan process or business relationships or prejudicing the rights of any defendants.
- 18. In accordance with the Preservation Of Estate Claims Procedures Order, the Debtors commenced 742 adversary proceedings (the "Adversary Proceedings") by filing complaints under seal. On January 25, 2008, the Court entered the Confirmation Order. Under

the Plan, the Debtors will not retain any of the causes of action asserted in the Adversary Proceedings except those listed on Exhibit 7.24 to the Plan.⁴

Relief Requested

19. By this Motion, the Debtors request entry of an order under Bankruptcy Rule 9006(b)(1) and Federal Rule Of Civil Procedure 4(m), made applicable by Bankruptcy Rule 7004(a), to further extend the deadline by which the Debtors would be required to serve a summons and complaint upon each defendant under the Preservation Of Estate Claims Procedures Order, as modified by the Deadline Extension Order. Specifically, the Debtors request that the existing May 31, 2008 service deadline set forth in the Deadline Extension Order be extended to 30 days after substantial consummation of the Plan or any modified plan. The Debtors accordingly request that the Court enter the proposed Postcomfirmation Extension Of Avoidance Action Service Deadline Order, a copy of which is annexed hereto as Exhibit A.

Basis For Relief

20. As noted above, the Debtors are working with their stakeholders to develop a path for emerging from chapter 11 as soon as reasonably practicable. Under the Deadline Extension Order, however, the Debtors' current deadline to serve the summons and complaint on every defendant in the Adversary Proceedings is May 31, 2008. To meet the May 31, 2008 deadline for each of the defendants, the Debtors would first have to request that the Clerk of Court in the coming weeks issue summonses for each of the 742 Adversary Proceedings to allow enough time for the summonses to be issued and subsequently served with the complaints by the May 31, 2008 deadline.

Of the five categories of claims listed by the Debtors on Exhibit 7.24 to the Plan, only the claims relating to Laneko Engineering Co., Wachovia Bank, National Association, Laneko Engineering Co. Inc., and their affiliates and subsidiaries are subject to the Preservation Of Estate Claims Procedures Order. (See Exhibit 7.24 to the Plan (Docket No. 11608).) Notice of this Motion has been provided to those entities.

- 21. Contemplating that further extensions may be necessary to achieve the goals of the Preservation Of Estate Claims Procedures Order, that order and the Deadline Extension Order expressly provided that the Debtors' previous extension of the deadline for services of process was "without prejudice [to the Debtors' ability] to seek further extensions" if appropriate. (See Preservation Of Estate Claims Procedures Order ¶ 8; Deadline Extension Order ¶ 2.)
- 22. The Debtors now believe that the extension of the Fed. R. Civ. P. 4(m) deadline that is requested in this Motion is appropriate, and that there is good cause for such an extension. Such an extension would enable the Debtors to fulfill their fiduciary responsibility to preserve valuable estate assets in a manner that would not unnecessarily disrupt the emergence process or the Debtors' current business relationships with potential defendants that are necessary to the Debtors' ongoing operations. Moreover, the requested extension would reduce the administrative and economic burdens of the Adversary Proceedings on the Debtors, the Court, the Clerk of Court, and the potential defendants. Specifically, the Debtors believe that the resources that they, the Court, the Clerk of Court, and the defendants would need to expend on issuing and serving 742 summonses and complaints in the Adversary Proceedings at this time and the potential need thereafter to prosecute and defend such adversary proceedings—would not be in the best interests of the Debtors' estates, the Debtors' stakeholders, and other parties-ininterest because most of the Adversary Proceedings will not be prosecuted if the Plan were to become effective and likely will not be prosecuted under any modified plan. The Debtors submit that these reasons comprise good cause for the requested extension.

Applicable Authority

23. The Bankruptcy Rules and Federal Rules of Civil Procedure grant this Court discretion to adopt and implement guidelines which will aid in the administration of

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 492 of 944

Adversary Proceedings, including discretion to grant the proposed extension of the service of process deadline. See Zapata v. City of New York, 502 F.3d 192, 195 (2d Cir. 2007) (Rule 4(m) authorizes court to grant extensions of service period); In re Sheehan, 253 F.3d 507, 511 (9th Cir. 2001) ("The time for service in an adversary proceeding may be extended under two different rules: Rule 4(m) of the Federal Rules of Civil Procedure, and Bankruptcy Rule 9006(b).").

- 24. Bankruptcy Rule 9006(b)(1) provides for the enlargement of time to perform acts required under the Bankruptcy Rules: "[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order" Fed. R. Bankr. P. 9006(b)(1).
- 25. Moreover, Fed. R. Civil P. 4(m), made applicable here by Bankruptcy Rule 7004(a), requires courts, upon a showing of good cause, to extend the period for service of process after the filing of a complaint. See Bank of Cape Verde v. Bronson, 167 F.R.D. 370, 371-72 (S.D.N.Y. 1996) (good cause existed when future events would likely have "obviated the need to serve the [] complaint" and when plaintiff requested extension before Fed. R. Civ. P. 4(m) deadline expired). Even absent good cause, this Court has discretion to extend the 120-day service period. See Zapata, 502 F.3d at 196; Mejia v. Castle Hotel Inc., 164 F.R.D. 343, 345 (S.D.N.Y. 1996).
- 26. The Debtors accordingly request that the Court enter the proposed order, annexed hereto as Exhibit A, which would extend until 30 days after substantial consummation of the Plan or any modified plan the Debtors' Fed. R. Civ. P. 4(m) deadline to serve each defendant in the Adversary Proceedings commenced in connection with the Preservation Of Estate Claims Procedures Order with a summons and a copy of the complaint, without prejudice

to the Debtors' right to seek further extensions of the deadline and without prejudice to the right of each of Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc. to seek a shortening of the deadline.

Notice Of Motion

Debenture Trust Co. v. Calpine Corp. (In re Calpine Corp.), 356 B.R. 585, 595 (S.D.N.Y. 2007); Kernisant v. City of New York, 225 F.R.D. 422, 431 n.13 (E.D.N.Y. 2005); Brady v. Marks, 7 F. Supp. 2d 247, 255 (W.D.N.Y. 1998), notice of this Motion has been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883), and the Tenth Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered February 4, 2008 (Docket No. 12487). Notice has also been provided to Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc., against whom causes of action have been retained under the confirmed Plan. In light of the nature of the relief requested, the Debtors submit that no other or further notice is necessary.

Memorandum Of Law

28. Because the legal points and authorities upon which this Motion relies are incorporated herein, the Debtors respectfully request that the requirement of the service and filing of a separate memorandum of law under Local Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York be deemed satisfied.

WHEREFORE the Debtors respectfully request that the Court enter an order

(a) granting the relief requested herein and (b) granting the Debtors such other and further relief as is just.

Dated: New York, New York April 10, 2008

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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John K. Lyons (JL 9331)
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New York, New York 10036

Attorneys for Delphi Corporation, <u>et al.</u>, Debtors and Debtors-in-Possession

| UNITED STATES BANKRUPTCY (
SOUTHERN DISTRICT OF NEW Y | | |
|--|-----------|-------------------------|
| | x | |
| In re | : | Chapter 11 |
| DELPHI CORPORATION, et al., | : | Case No. 05-44481 (RDD) |
| Debtors | ;
s. : | (Jointly Administered) |
| | x | |

ORDER PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER")

Upon the motion, dated April 10, 2008 (the "Motion"), of Delphi

Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-inpossession in the above-captioned cases (collectively, the "Debtors"), for an order under

Federal Rules of Bankruptcy Procedure 7004(a) and 9006(b)(1) and Federal Rule of Civil

Procedure 4(m) to extend the deadline to serve process for Adversary Proceedings¹

commenced in connection with the Preservation Of Estate Claims Procedures Order²

(Docket No. 9105), which deadline was previously extended to May 31, 2008 pursuant to
the Order Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m)

To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With

Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

² The Adversary Proceedings are listed by adversary proceeding number on Exhibit A attached hereto.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pq 496 of 944

Preservation Of Estate Claims Procedures Order (Docket No. 13277) (the "First Deadline Extension Order"); and upon the record of the hearing held on the Motion; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given, and it appearing that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED.
- 2. Paragraph 8 of the Preservation Of Estate Claims Procedures Order, as previously modified by First Deadline Extension Order, is hereby further modified so that the time under Federal Rule of Civil Procedure 4(m) by which the Debtors must serve a defendant in the Adversary Proceedings with a summons and complaint is further extended until 30 days after substantial consummation of the Plan or any modified plan, without prejudice to the Debtors' right to seek further extensions and without prejudice to the right of each of Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc. to seek a shortening of the deadline. The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable. All other provisions of the Preservation Of Estate Claims Procedures Order shall remain in effect.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 497 of 944

3. This order shall be deemed entered in each of the Adversary

Proceedings.

4. The Debtors shall file a copy of this order in each of the Adversary

Proceedings.

5. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this order.

6. The requirement under Rule 9013-1(b) of the Local Bankruptcy

Rules for the United States Bankruptcy Court for the Southern District of New York for

the service and filing of a separate memorandum of law is deemed satisfied by the Motion.

Dated: New York, New York April ____, 2008

UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

DELPHI ADVERSARY PROCEEDING NUMBERS

| 07-02072 | 07-02191 | 07-02200 |
|----------|----------|----------|
| 07-02084 | 07-02195 | 07-02088 |
| 07-02090 | 07-02201 | 07-02094 |
| 07-02096 | 07-02205 | 07-02099 |
| 07-02101 | 07-02207 | 07-02103 |
| 07-02106 | 07-02209 | 07-02109 |
| 07-02115 | 07-02213 | 07-02110 |
| 07-02120 | 07-02214 | 07-02239 |
| 07-02124 | 07-02219 | 07-02244 |
| 07-02138 | 07-02224 | 07-02248 |
| 07-02142 | 07-02227 | 07-02251 |
| 07-02147 | 07-02231 | 07-02255 |
| 07-02150 | 07-02077 | 07-02259 |
| 07-02154 | 07-02080 | 07-02261 |
| 07-02157 | 07-02083 | 07-02265 |
| 07-02163 | 07-02091 | 07-02267 |
| 07-02170 | 07-02095 | 07-02270 |
| 07-02184 | 07-02102 | 07-02273 |
| 07-02190 | 07-02105 | 07-02276 |
| 07-02198 | 07-02112 | 07-02277 |
| 07-02202 | 07-02117 | 07-02280 |
| 07-02204 | 07-02123 | 07-02281 |
| 07-02208 | 07-02125 | 07-02282 |
| 07-02076 | 07-02128 | 07-02283 |
| 07-02081 | 07-02130 | 07-02284 |
| 07-02087 | 07-02135 | 07-02288 |
| 07-02097 | 07-02137 | 07-02291 |
| 07-02104 | 07-02143 | 07-02293 |
| 07-02112 | 07-02148 | 07-02074 |
| 07-02132 | 07-02152 | 07-02078 |
| 07-02140 | 07-02159 | 07-02082 |
| 07-02145 | 07-02165 | 07-02085 |
| 07-02153 | 07-02169 | 07-02089 |
| 07-02160 | 07-02174 | 07-02093 |
| 07-02166 | 07-02175 | 07-02108 |
| 07-02171 | 07-02182 | 07-02114 |
| 07-02180 | 07-02189 | 07-02119 |
| 07-02186 | 07-02196 | 07-02122 |
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| 07-02126 | 07-02199 | 07-02226 |
|----------|----------|----------|
| 07-02129 | 07-02206 | 07-02230 |
| 07-02131 | 07-02210 | 07-02252 |
| 07-02136 | 07-02212 | 07-02256 |
| 07-02141 | 07-02217 | 07-02262 |
| 07-02146 | 07-02221 | 07-02266 |
| 07-02151 | 07-02225 | 07-02269 |
| 07-02156 | 07-02228 | 07-02272 |
| 07-02158 | 07-02235 | 07-02275 |
| 07-02164 | 07-02241 | 07-02278 |
| 07-02167 | 07-02245 | 07-02299 |
| 07-02172 | 07-02250 | 07-02303 |
| 07-02176 | 07-02254 | 07-02306 |
| 07-02179 | 07-02260 | 07-02309 |
| 07-02183 | 07-02079 | 07-02314 |
| 07-02187 | 07-02092 | 07-02318 |
| 07-02193 | 07-02098 | 07-02321 |
| 07-02233 | 07-02107 | 07-02326 |
| 07-02238 | 07-02111 | 07-02329 |
| 07-02243 | 07-02118 | 07-02334 |
| 07-02247 | 07-02107 | 07-02337 |
| 07-02249 | 07-02149 | 07-02340 |
| 07-02253 | 07-02162 | 07-02346 |
| 07-02257 | 07-02173 | 07-02350 |
| 07-02263 | 07-02178 | 07-02354 |
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| 07-02268 | 07-02458 | 07-02335 |
| 07-02296 | 07-02461 | 07-02343 |
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| 07-02655 | 07-02422 | 07-02600 |
| 07-02656 | 07-02420 | 07-02601 |
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| 07-02658 | 07-02437 | 07-02604 |
| 07-02659 | 07-02789 | 07-02605 |
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| 07-02661 | 07-027-90 | 07-02607 |
| 07-02662 | 07-02494 | 07-02608 |
| 07-02663 | 07-02502 | 07-02609 |
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| 07-02672 | 07-02546 | 07-02803 |
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| 07-02674 | 07-02551 | 07-02797 |
| 07-02675 | 07-02552 | 07-02795 |
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Hearing Date And Time: April 30, 2008 at 10:00 a.m. Objection Deadline: April 23, 2008 at 4:00 p.m.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP 333 West Wacker Drive, Suite 2100 Chicago, Illinois 60606 (312) 407-0700 John Wm. Butler, Jr. (JB 4711) John K. Lyons (JL 4951) Ron E. Meisler (RM 3026)

- and -

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP Four Times Square New York, New York 10036 (212) 735-3000 Kayalyn A. Marafioti (KM 9632) Thomas J. Matz (TM 5986)

Attorneys for Delphi Corporation, et al., Debtors and Debtors-in-Possession

Delphi Legal Information Hotline:

Toll Free: (800) 718-5305 International: (248) 813-2698

Delphi Legal Information Website: http://www.delphidocket.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

----- X

In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

Debtors. : (Jointly Administered)

----- X

NOTICE OF MOTION PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 507 of 944

PLEASE TAKE NOTICE that on April 10, 2008, Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), filed a Motion Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (the "Motion").

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the Motion will be held on April 30, 2008 at 10:00 a.m. (prevailing Eastern time) (the "Hearing") before the Honorable Robert D. Drain, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Room 610, New York, New York 10004 (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must

(a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure, the Local

Bankruptcy Rules for the Southern District of New York, the Supplemental Order Under

11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014

Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And

Administrative Procedures, entered March 20, 2006 (the "Supplemental Case Management

Order") (Docket No. 2883), and the Tenth Supplemental Order Under 11 U.S.C. §§ 102(1) And

105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates

And Certain Notice, Case Management, And Administrative Procedures, entered February 4,

2008 (Docket No. 12487) (the "Tenth Supplemental Case Management Order"), (c) be filed with

the Bankruptcy Court in accordance with General Order M-242 (as amended) – registered users

of the Bankruptcy Court's case filing system must file electronically, and all other parties-in-

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 508 of 944

interest must file on a 3.5 inch disk (preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format), (d) be submitted in hardcopy form directly to the chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and (e) be served upon (i) Delphi Corporation, 5725 Delphi Drive, Troy, Michigan 48098 (Att'n: General Counsel), (ii) counsel to the Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, 333 West Wacker Drive, Suite 2100, Chicago, Illinois 60606 (Att'n: John Wm. Butler, Jr.), (iii) counsel for the agent under the postpetition credit facility, Davis Polk & Wardwell, 450 Lexington Avenue, New York, New York 10017 (Att'n: Donald Bernstein and Brian Resnick), (iv) counsel for the official committee of unsecured creditors, Latham & Watkins LLP, 885 Third Avenue, New York, New York 10022 (Att'n: Robert J. Rosenberg and Mark A. Broude), (v) counsel for the official committee of equity security holders, Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, New York 10004 (Att'n: Bonnie Steingart), and (vi) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, Suite 2100, New York, New York 10004 (Att'n: Alicia M. Leonhard), in each case so as to be received no later than 4:00 p.m. (prevailing Eastern time) on April 23, 2008 (the "Objection Deadline").

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 509 of 944

PLEASE TAKE FURTHER NOTICE that only those objections made as set forth herein and in accordance with the Supplemental Case Management Order and the Tenth Supplemental Case Management Order will be considered by the Bankruptcy Court at the Hearing. If no objections to the Motion are timely filed and served in accordance with the procedures set forth herein and in the Supplemental Case Management Order and the Tenth Supplemental Case Management Order, the Bankruptcy Court may enter an order granting the Motion without further notice.

Dated: New York, New York April 10, 2008

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ John Wm. Butler, Jr.
John Wm. Butler, Jr. (JB 4711)
John K. Lyons (JL 9331)
Ron E. Meisler (RM 3026)
333 West Wacker Drive, Suite 2100
Chicago, Illinois 60606

- and -

By: /s/ Kayalyn A. Marafioti
Kayalyn A. Marafioti (KM 9632)
Thomas J. Matz (TM 5986)
Four Times Square
New York, New York 10036

Attorneys for Delphi Corporation, <u>et al.</u>, Debtors and Debtors-in-Possession

EXHIBIT H

April 30, 2008 Hearing Transcript

| | | Page 1 |
|--------|-------------------------------|--|
| 1 | U | NITED STATES BANKRUPTCY COURT |
| 770 | | OUTHERN DISTRICT OF NEW YORK |
| 2 | | X |
| | In Re: | 05-44481 (RDD) |
| 3 | DEL DUT. CORDORATIO | V 1 |
| 4 | DELPHI CORPORATIO | |
| 1 4 | Debtors. | New York, New York
April 30, 2008 |
| 5 | | |
| 6 | | |
| (C)(A) | TRANSCRI | PT OF MOTIONS |
| 7 | BEFORE THE HONOR | ABLE ROBERT D. DRAIN |
| 89 | UNITED STATE | S BANKRUPTCY JUDGE |
| 8 | | |
| 9 | APPEARANCES: For the Debtors: | TOUN WM DAWN DD TD DGG |
| 10 | FOR the Debtors: | JOHN WM. BUTLER, JR., ESQ.
KAYALYN A. MARAFIOTI, ESQ. |
| 11 | Ø. | THOMAS J. MATZ, ESQ. |
| | | Skadden, Arps, Slate, Meagher |
| 12 | | & Flom, LLP |
| -0.2 | | Four Times Square |
| 13 | | New York, New York 10036 |
| 14 | For Creditors Com.: | ROBERT J. ROSENBERG, ESQ. |
| | | MICHAEL RIELA, ESQ. |
| 15 | | Latham & Watkins |
| 16 | | 885 Third Avenue |
| | For Equity Com.: | New York, New York 10022
BONNIE STEINGART, ESQ. |
| - / | ror Equity Com | Fried, Frank, Harris, Shriver |
| 18 | 3 | & Jacobson, LLP |
| 1 | | One New York Plaza |
| 19 | | New York, New York 10004 |
| 20 | For ADAH: | THOMAS E. LAURIA, ESQ. |
| 0.5 | | White & Case, LLP |
| 21 | | 200 South Biscayne Boulevard |
| 22 | | Miami, Florida 33131 |
| 23 | DECENCY D | (Appearances continued on next page) EPORTING, INC. |
| | | porters & Videographers |
| 24 | - | e 575 Madison Avenue |
| | | New York, NY 10022 |
| 25 | www.regencyreporting | g.net 1-866-268-7866 |
| | | |

Page 11

- 1 revised blacklined order and I'll grant the motion. It appears to
- 2 me the debtors have been acting in good faith. They obviously
- 3 still have remaining issues in respect of the plan and/or a
- 4 modification thereof and, consequently, this extension which,
- 5 again, is consensual on this basis is warranted. So I'll enter
- 6 that order.
- 7 MR. BUTLER: Thank you, Your Honor.
- 8 Your Honor, you also touched briefly on the 4(m) motion.
- 9 That's actually the next one, Item 5. This is the post-
- 10 confirmation extension of avoidance action service deadlines motion
- 11 at docket No. 13361 and, Your Honor, this deals with the debtor's
- 12 seeking an entry of an order extending the deadline to serve
- 13 process pursuant to Bankruptcy Rule 7004(a) and Federal Rules of
- 14 Civil Procedure 4(m) that's made applicable by Bankruptcy Rule
- 15 7004(a) for avoidance actions filed in connection with the
- 16 preservation of estate claims procedures order earlier entered by
- 17 this Court at docket No. 12471.
- 18 We did give some specific notice in connection with
- 19 this, Your Honor. We gave notice of the motion to Lenico
- 20 Engineering Company, Wachovia Bank National Association and the
- 21 master service list and the 2002 list. The reason that we gave
- 22 specific notice to Lenico and Wachovia was because those were the
- 23 only two parties that had been identified under Exhibit 7.24 of the
- 24 plan as having the avoidance actions preserved under the plan and,
- 25 therefore, we gave particularized notice to them of the relief

Page 12

sought by the debtors. We have not given notice to the 742 other 1 defendants therein which are under seal and it was not served on 2 3 those defendants except to the extent those defendants already had placed themselves on either the master service list or the 2002 4 list. 5 6 There were no objections to the motion. At the moment, 7 Your Honor, prior to Your Honor's order, we believe that it's 8 appropriate to get a further extension. Right now, the extension is through May 31, 2008, that's Your Honor's -- a prior order 9 10 entered on March 28th at docket No. 13277 and, again, the process 11 that we're looking for here is essentially the same formulation we 12 did in the 365(d)(4) motion and I presume with a similar modification from Your Honor, the idea here is to not have to deal 13 with these complaints so long as we have the plan process that 14 15 we're moving forward with. THE COURT: Okay. Well, first, I continue to believe 16 that there is good cause for the relief sought here. Except for 17 the notice you did give I don't think any further notice is 18 19 necessary under the plain terms of 9006 and the cause is obviously 20 that the analysis so far that's represented in the motion is the 21 same as it was when the motion was originally granted which is that these causes of action are being preserved in light of the 22

limitations period, however, it's not presently contemplated that

they will be pursued, although obviously the preservation of them

means that they may be pursued but given that there's no reason for

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Page 13

- 1 either the debtors or the potential defendants to start to have to
- 2 incur any costs in connection with the litigation so cause is shown
- 3 under Rule 4(m) and 9006.
- 4 The issue that I addressed earlier on the lease
- 5 extension motion is slightly different here, I think, because it's
- 6 conceivable, I guess, that a plan that I would permit someone else
- 7 to submit might have a different position on avoidance actions and
- 8 at which point they should be pursued. So the way I phrased it
- 9 here and you're all free to chime in on this if it doesn't sound
- 10 right to you is that the deadline or the extension would be until
- 11 thirty days after the later of substantial consummation of the plan
- or any modified Chapter 11 plan and December 31, 2008. That seems
- 13 to me -- that was the date you had in for another matter, it will
- 14 come up later and it seems far enough off so that that would be
- 15 sufficient.
- MR. BUTLER: Thank you, Your Honor.
- 17 THE COURT: Okay. So I'll grant it on that basis.
- 18 MR. BUTLER: Your Honor, the next item on the agenda,
- 19 Item No. 6, is the debtor's second DIP extension motion filed at
- 20 docket No. 13409.
- 21 Your Honor, in this motion the debtors have sought
- 22 authority to supplement the January 5, 2007 DIP order entered at
- 23 docket No. 6461, the November 16, 2007 DIP extension order at
- 24 docket No. 10854 and to authorize the debtors to extend the
- 25 maturity date of the DIP facility to enter into related documents

EXHIBIT I

Postconfirmation Extension of Avoidance Action Service Deadline Order

| UNITED STATES BANKRUPICY C | COURT | |
|-------------------------------------|-------|-------------------------|
| SOUTHERN DISTRICT OF NEW YO | ORK | |
| | | |
| | X | |
| | : | |
| In re | : | Chapter 11 |
| | : | |
| DELPHI CORPORATION, <u>et al.</u> , | : | Case No. 05-44481 (RDD) |
| | : | |
| Debtors. | : | (Jointly Administered) |
| | : | |
| | v | |

ORDER PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER")

Upon the motion, dated April 10, 2008 (the "Motion"), of Delphi

Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-inpossession in the above-captioned cases (collectively, the "Debtors"), for an order under

Federal Rules of Bankruptcy Procedure 7004(a) and 9006(b)(1) and Federal Rule of Civil

Procedure 4(m) to extend the deadline to serve process for Adversary Proceedings¹

commenced in connection with the Preservation Of Estate Claims Procedures Order²

(Docket No. 9105), which deadline was previously extended to May 31, 2008 pursuant to
the Order Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m)

To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With



¹ Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

The Adversary Proceedings are listed by adversary proceeding number on Exhibit A attached hereto.

Preservation Of Estate Claims Procedures Order (Docket No. 13277) (the "First Deadline Extension Order"); and upon the record of the hearing held on the Motion; and this Court having determined that the relief requested in the Motion as granted herein is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given, and it appearing that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED as provided herein.
- 2. Paragraph 8 of the Preservation Of Estate Claims Procedures Order, as previously modified by First Deadline Extension Order, is hereby further modified so that the time under Federal Rule of Civil Procedure 4(m) by which the Debtors must serve a defendant in the Adversary Proceedings with a summons and complaint is further extended until 30 days after the later of substantial consummation of the Plan or any modified chapter 11 plan for the Debtors and December 31, 2008; without prejudice, however, to the Debtors' right to seek further extensions and without prejudice to the right of each of Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc. to seek a shortening of the deadline. The Debtors shall serve a copy of this order upon each defendant in any Adversary Proceeding either when the Debtors serve a summons and complaint on such defendant or as soon thereafter as practicable. All other provisions of the Preservation Of Estate Claims Procedures Order shall remain in effect.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 518 of 944

3. This order shall be deemed entered in each of the Adversary

Proceedings.

4. The Debtors shall file a copy of this order in each of the Adversary

Proceedings.

5. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this order.

6. The requirement under Rule 9013-1(b) of the Local Bankruptcy

Rules for the United States Bankruptcy Court for the Southern District of New York for

the service and filing of a separate memorandum of law is deemed satisfied by the Motion.

Dated: New York, New York April 30, 2008

/s/ Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

DELPHI ADVERSARY PROCEEDING NUMBERS

| 07-02072 | 07-02191 | 07-02200 |
|----------|----------|----------|
| 07-02084 | 07-02195 | 07-02088 |
| 07-02090 | 07-02201 | 07-02094 |
| 07-02096 | 07-02205 | 07-02099 |
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| 07-02659 | 07-02440 | 07-02605 |
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| 07-02661 | 07-02444 | 07-02607 |
| 07-02662 | 07-02444 | 07-02608 |
| 07-02663 | 07-02502 | 07-02609 |
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07-02862

EXHIBIT J

October 22, 2009 Hearing Transcript

1 UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK Case No. 05-44481 In the Matter of: DELPHI CORPORATION, ET AL., Debtors. U.S. Bankruptcy Court One Bowling Green New York, New York October 22, 2009 10:02 AM B E F O R E: HON. ROBERT D. DRAIN U.S. BANKRUPTCY JUDGE

212-267-6868 516-608-2400

Supplemental Motion to Extend Deadline to Serve Process for Avoidance Action Filed in Connection with Preservation of Estate Claims Procedures Order Proposed Forty-Eighth Omnibus Hearing Agenda Transcribed by: Dena Page

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      APPEARANCES:
 3
      SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 4
           Attorneys for Debtors
 5
           Four Times Square
 6
           New York, NY 10036
 7
 8
     BY: KAYALYN A. MARAFIOTI, ESQ.
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PROCEEDINGS

THE COURT: Please be seated. Okay. In re: Delphi Corporation.

MS. MARAFIOTI: Good morning, Your Honor. Kayalyn

Marafioti on behalf of DPH Holdings, Corp., which is the

reorganized company and successor to Delphi Corporation and all

but two of its affiliated debtors.

There are only a couple of items on the calendar today, and the second of them is now moot. The motion of Robert Backy (ph.) to enforce payment of his claim was withdrawn yesterday. I think the appropriate pleadings were filed. And so that matter is, effectively, settled.

And that leaves us with the debtors' motion under Bankruptcy Rule -- well, Federal Rule 4(m) and its companion bankruptcy rule to further extend the time to file service of process in connection with a number of adversary proceedings that were filed under seal a couple of years ago.

Your Honor, since we last made a motion seeking an extension of time, quite a considerable amount of progress has been made. In March, when we initially sought time that would relate to thirty days past the consummation date, there were some 752 complaints that might be brought. And you may recall that under the modified plan, the debtors were required to submit an exhibit naming, by adversary proceeding number, the complaints that could be brought post-consummation. And that

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number is now down to 177. So the pool of potential claims has been reduced to less than one quarter of its original size.

But the reason we're here seeking a further extension is that in the intense period that led up to the closing, it simply wasn't possible for the debtors to winnow that number down any further. And at the moment, under the master disposition agreement, these claims inure solely to the benefit of DPH Holdings, Corp. They did not move to the buyers. So they're staying with the reorganized company.

And there is only one employee at DPH Holdings Corp.

He has a lot of things to do right now in trying to effectuate all the transactions that were contemplated by the plan, and certainly this issue is now very much at the center of his attention, but he does need a bit more time.

Also, we understand that a different law firm will be taking over those claims, if and to the extent that they are brought, and so they need a bit of time to get up to speed as well.

We think that those reasons form the basis for the Court's extension of time, here. There has been no objection filed. We did serve the motion in the usual fashion, and no objections were lodged. So we would simply ask that the order be entered as submitted.

THE COURT: Okay, and thirty days hasn't run since the consummation of the plan, right?

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               MS. MARAFIOTI: That's correct. I think that would be
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      November 5 --
 3
               THE COURT: Okay.
               MS. MARAFIOTI: -- would be the thirtieth day.
 4
               THE COURT: All right, so you're within the deadline.
 5
               MS. MARAFIOTI: Right.
 6
               THE COURT: I'll enter the order --
 7
               MS. MARAFIOTI: Okay, very good. Thank you, Your
 8
      Honor.
 9
               THE COURT: -- for the reasons stated in the motion.
10
      As with the last ones, this is without prejudice to the rights
11
12
      of these potential defendants to argue other defenses, other
      than the running of the limitations period. And I think that
13
      goes without saying. So this is just an extension of the time
14
      to actually serve.
15
16
               MS. MARAFIOTI: That's right, Your Honor.
               THE COURT: So do you have a disc for me?
17
               MS. MARAFIOTI: I believe we do. If I may approach
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19
      the bench, Your Honor.
               THE COURT: Sure. Obviously, the debtors' decision to
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      proceed this way is borne out by the fact that the vast
      majority of these cases have already been, effectively, booted
22
      out. And as the motion states, the potential plaintiff, here,
2.3
      certainly should have a little more time to analyze whether it
24
25
      makes sense to bring the remaining lawsuits or only some of
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VERITEXT REPORTING COMPANY 212-267-6868 516-608-2400

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them before DPH and the defendants incur additional costs.
 1
 2
               Okay, thank you.
 3
               MS. MARAFIOTI: Thank you, Your Honor.
 4
               THE COURT: Okay.
 5
           (Proceedings concluded at 10:07 a.m.)
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I N D E X RULINGS Page Line Supplemental Motion to 6 10 Extend Deadline to Serve Process for Avoidance Action Granted

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 2
                                    CERTIFICATION
 3
           I, Dena Page, certify that the foregoing transcript is a true
 4
           and accurate record of the proceedings.
 5
           Dena Page

Digitally signed by Dena Page

DN: cn=Dena Page, o, ou,

email=digital1@veritext.com, c=US

Date: 2009.10.23 13:54:44 -04'00'
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           Dena Page
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           Veritext LLC
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11
           200 Old Country Road
           Suite 580
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           Mineola, NY 11501
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           Date: October 23, 2009
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EXHIBIT K

Supplemental Postconfirmation Extension Order

| UNITED STATES BANKRUPICY CC | UKT | |
|------------------------------|-----|-------------------------|
| SOUTHERN DISTRICT OF NEW YOR | RK | |
| | | |
| | X | |
| | : | |
| In re | : | Chapter 11 |
| | : | 1 |
| DELPHI CORPORATION, et al., | : | Case No. 05-44481 (RDD) |
| | : | |
| Debtors. | : | (Jointly Administered) |
| | : | |
| | v | |

ORDER PURSUANT TO FED. R. BANKR. P. 7004(a) AND 9006(b)(1) AND FED. R. CIV. P. 4(m) TO EXTEND DEADLINE TO SERVE PROCESS FOR AVOIDANCE ACTIONS FILED IN CONNECTION WITH PRESERVATION OF ESTATE CLAIMS PROCEDURES ORDER

("POSTCONFIRMATION EXTENSION OF AVOIDANCE ACTION SERVICE DEADLINE ORDER")

Upon the supplemental motion, dated October 2, 2009 (the "Motion"), of Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), for an order under Federal Rules of Bankruptcy Procedure 7004(a) and 9006(b)(1) and Federal Rule of Civil Procedure 4(m) to extend the deadline to serve process for Adversary Proceedings¹ commenced in connection with the Preservation Of Estate Claims Procedures Order² (Docket No. 9105), which deadline was previously extended to May 31, 2008 pursuant to the Order Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In

The Adversary Proceedings are listed by adversary proceeding number on Exhibit A attached hereto.



Capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 539 of 944

Connection With Preservation Of Estate Claims Procedures Order (Docket No. 13277) (the "First Deadline Extension Order") and further extended to 30 days after substantial consummation of the Confirmed Plan or any modified plan pursuant to the Motion Pursuant to Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (Docket No. 13361) (the "Postconfirmation Extension Motion"); and upon the record of the hearing held on the Motion; and this Court having determined that the relief requested in the Motion as granted herein is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and it appearing that proper and adequate notice of the Motion has been given, and it appearing that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The Motion is GRANTED as provided herein.
- 2. Paragraph 8 of the Preservation Of Estate Claims Procedures Order, as previously modified by the First Deadline Extension Order and the Postconfirmation Extension Motion, is hereby further modified so that the time under Federal Rule of Civil Procedure 4(m) by which the Debtors must serve a defendant in the Adversary Proceedings with a summons and complaint is further extended until 180 days after substantial consummation of the Modified Plan, without prejudice, however, to the Debtors' right to seek further extensions and without prejudice to the right of each of Laneko Engineering Co., Wachovia Bank, National Association, and Laneko Engineering Co. Inc. to seek a

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 540 of 944

shortening of the deadline. The Debtors shall serve a copy of this order upon each

defendant in any Adversary Proceeding either when the Debtors serve a summons and

complaint on such defendant or as soon thereafter as practicable. All other provisions of

the Preservation Of Estate Claims Procedures Order shall remain in effect.

3. This order shall be deemed entered in each of the Adversary

Proceedings.

4. The Debtors shall file a copy of this order in each of the Adversary

Proceedings.

5. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this order.

Dated: New York, New York October 22, 2009

/s/Robert D. Drain_

UNITED STATES BANKRUPTCY JUDGE

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EXHIBIT A

| Adversary
Proceeding | Adversary
Proceeding | Adversary
Proceeding |
|-------------------------|-------------------------|-------------------------|
| Number | Number | Number |
| 07-02074 | 07-02302 | 07-02592 |
| 07-02076 | 07-02305 | 07-02597 |
| 07-02077 | 07-02309 | 07-02600 |
| 07-02084 | 07-02310 | 07-02602 |
| 07-02090 | 07-02312 | 07-02605 |
| 07-02096 | 07-02313 | 07-02606 |
| 07-02098 | 07-02322 | 07-02607 |
| 07-02124 | 07-02328 | 07-02617 |
| 07-02125 | 07-02333 | 07-02618 |
| 07-02130 | 07-02337 | 07-02619 |
| 07-02131 | 07-02339 | 07-02623 |
| 07-02133 | 07-02344 | 07-02625 |
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| 07-02151 | 07-02372 | 07-02652 |
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| 07-02217 | 07-02462 | 07-02711 |
| 07-02220 | 07-02466 | 07-02712 |
| 07-02227 | 07-02475 | 07-02714 |
| 07-02234 | 07-02477 | 07-02720 |

| Adversary | Adversary |
|-----------|---|
| <u> </u> | Proceeding
Number |
| | 07-02723 |
| | 07-02723 |
| | |
| | 07-02737 |
| | 07-02739 |
| | 07-02742 |
| 07-02523 | 07-02743 |
| 07-02525 | 07-02744 |
| 07-02527 | 07-02745 |
| 07-02534 | 07-02750 |
| 07-02539 | 07-02753 |
| 07-02540 | 07-02756 |
| 07-02541 | 07-02758 |
| 07-02543 | 07-02767 |
| 07-02551 | 07-02768 |
| 07-02553 | 07-02769 |
| 07-02554 | 07-02775 |
| 07-02555 | 07-02783 |
| 07-02556 | 07-02785 |
| 07-02562 | 07-02787 |
| 07-02563 | 07-02789 |
| 07-02571 | 07-02790 |
| 07-02572 | 07-02799 |
| 07-02580 | 07-02800 |
| 07-02581 | 07-02804 |
| | Proceeding Number 07-02479 07-02484 07-02489 07-02505 07-02523 07-02525 07-02527 07-02534 07-02539 07-02541 07-02541 07-02551 07-02551 07-02555 07-02556 07-02562 07-02563 07-02571 07-02572 07-02580 |

EXHIBIT 4

IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

| | X | |
|-----------------------------|---|-------------------------|
| | : | |
| In re | : | Chapter 11 |
| | : | |
| DELPHI CORPORATION, et al., | : | Case No. 05-44481 (RDD) |
| | : | |
| Debtors. | : | (Jointly Administered) |
| | : | |
| | x | |

AFFIDAVIT OF SERVICE

I, Darlene Calderon, being duly sworn according to law, depose and say that I am employed by Kurtzman Carson Consultants LLC, the Court appointed claims and noticing agent for the Debtors in the above-captioned cases.

On October 2, 2009, I caused to be served the documents listed below (i) upon the parties listed on <u>Exhibit A</u> hereto via overnight mail, (ii) upon the parties listed on <u>Exhibit B</u> hereto via electronic notification, and (iii) upon the parties listed on <u>Exhibit C</u> hereto via postage pre-paid U.S. mail:

- Supplemental Motion Pursuant to Fed. R. Bankr. P. 7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) to Extend Deadline to Serve Process for Avoidance Actions Filed in Connection with Preservation of Estate Claims Procedures Order ("Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion") (Docket No. 18952)
- 2) Notice of (I) Adjournment of Hearing on Certain Objections to Nonassumption of Certain Contracts and Leases, Assumption and Assignment of Executory Contracts and Unexpired Leases, and Cure Amounts and (II) Hearing with Respect to Objection of Kokomo Gas and Fuel Company to Debtors' Notice of Assumption and Assignment (Docket No. 18953)

On October 2, 2009, I caused to be served the document listed below upon the parties listed on Exhibit D hereto via overnight mail:

3) Supplemental Motion Pursuant to Fed. R. Bankr. P. 7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) to Extend Deadline to Serve Process for Avoidance Actions Filed in Connection with Preservation of Estate Claims Procedures Order ("Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion") (Docket No. 18952)



On October 2, 2009, I caused to be served the document listed below (i) upon the parties listed on <u>Exhibit E</u> hereto via overnight mail, and (ii) upon the parties listed on <u>Exhibit F</u> hereto via electronic notification:

4) Notice of (I) Adjournment of Hearing on Certain Objections to Nonassumption of Certain Contracts and Leases, Assumption and Assignment of Executory Contracts and Unexpired Leases, and Cure Amounts and (II) Hearing with Respect to Objection of Kokomo Gas and Fuel Company to Debtors' Notice of Assumption and Assignment (Docket No. 18953)

| Dated: October 7, 2009 | |
|---------------------------------|--|
| | /s/ Darlene Calderon |
| | Darlene Calderon |
| State of California | |
| County of Los Angeles | |
| | before me on this 7th day of October, 2009, by basis of satisfactory evidence to be the person who |
| Signature: /s/ Gary Christensen | |
| Commission Expires: 11/12/09 | |

EXHIBIT A

Delphi Corporation Master Service List

10/5/2009 1:04 PM Master Service List 090925.XLS Overnight

| COMPANY | CONTACT | ADDRESS1 | ADDRESS2 | CITY | STATE ZIP | | PHONE | FAX | PARTY / FUNCTION |
|---|---|-----------------------------------|------------------------|--------------|-----------|------------|-------------------------------------|------------------------------|--|
| Barnes & Thomburg LLP | Peter A. Clark | One North Wacker Drive | Suite 4400 | | 1 | 60606-2833 | 5668 | 312-759-5646 | Counsel to Recticel Interiors; Motorola;
Temic Automotive |
| Brown Rudnick Berlack Israels LLP | Robert J. Stark | Seven Times Square | | New York | λ | 10036 | 212-209-4800 | | Indenture Trustee |
| | Bruce Simon | 330 W. 42nd Street | | New York | | | 212-356-0231 212-695-5436 | | |
| Curtis, Mallet-Prevost, Colf & mosle
LLP | Steven J. Reisman | 101 Park Avenue | | New York | È | 10178-0061 | 2126966000 | | Counsel to Flextronics International, Inc., Flextronics International USA, Inc.; Multek Flextble Circuits, Inc.; Sheldahl de Mexico S.A.de C.V.; Northfield Acquisition Co.; Flextronics Asia-Pacific Ltd.; Flextronics Technology (M) Sdn. Bhd. |
| Davis, Polk & Wardwell LLP | Donald Bernstein
Brian Resnick | 450 Lexington Avenue | | New York | × | 10017 | 212-450-4092
212-450-4213 | 212-450-3092
212-450-3213 | Counsel to Debtor's Postpetition Administrative Agent; Counsel to JPMorgan Chase Bank, N.A. |
| Delphi Corporation | Sean Corcoran, Karen Craft | 5725 Delphi Drive | | Troy | ¥ | 48098 | 248-813-2000 248-813-2491 Debtors | 248-813-2491 | Debtors |
| Flextronics International | Carrie L. Schiff | 305 interlocken Parkway | | Broomfield | ၀ | 80021 | 303-927-4853 | 303-652-4716 | 303-927-4853 303-652-4716 Counsel to Flextronics International |
| Flextronics International USA, Inc. | Paul W. Anderson | 2090 Fortune Drive | | San Jose | δ | 95131 | 408-428-1308 | | Counsel to Flextronics International USA,
Inc. |
| Freescale Semiconductor, Inc. | mbers, III | 6501 William Cannon
Drive West | MD: 0E16 | Austin | χL | 78735 | 512-895-6357 | 512-895-3090 | 512-895-3090 Creditor Committee Member |
| Fried, Frank, Harris, Shriver &
Jacobson | Brad Eric Sheler
Bonnie Steingart
Jennifer L. Rodburg
Richard J. Slivinski | One New York Plaza | | New York | γ | 10004 | Counsel to 212-859-8000 Committee | 212-859-4000 | Counsel to Equity Security Holders |
| FTI Consulting, Inc. | Randall S. Eisenberg | 3 Times Square | 11th Floor | New York | | | 212-2471010 | 212-841-9350 | 212-841-9350 Financial Advisors to Debtors |
| General Electric Company | Valerie Venable | 9930 Kincey Avenue | | Huntersville | S | 28078 | 704-992-5075 | 866-585-2386 | Creditor Committee Member |
| Groom Law Group | Lonie A. Hassel | 1701 Pennsylvania
Avenue, NW | | Washington | DC | 20006 | 202-857-0620 | 202-659-4503 | 202-857-0620 202-659-4503 Counsel to Employee Benefits |
| Hodoson Russ P | Garry M. Graher | AO Fast 420d St | 37th Floor | New York | ž | 10485-0450 | 1018E-0150 212-881-353E | 212.972.1677 | 912,072,1677 Counsel to Haves Cornoration |
| Honigman Miller Schwartz and Cohn | Frank Gorman Fed | 2290 First National | 660 Woodward | Detroit | | 48226.3583 | 48226-3583 313-465-7000 | 313-485-8000 | 949-485-8000 Counsel to Constal Motore Corporation |
| Honigman Miller Schwartz and Cohn | | 2290 First National
Building | 660 Woodward
Avenue | Detroit | Σ | 48226-3583 | | 313-465-8000 | 313.465-8000 Counse to General Motors Corporation |
| Internal Revenue Service | | 477 Michigan Ave | Mail Stop 15 | Detroit | | 48226 | 313-628-3648 | 313-628-3602 Michigan IRS | Michigan IRS |
| Internal Revenue Service | | 290 Broadway | 5th Floor | New York | Σ | 10007 | 212-436-1038 212-436-1931 IRS | 212-436-1931 | IRS |
| IUE-CWA | Conference Board Chairman | 2360 W. Dorothy Lane | Suite 201 | Dayton | ᆼ | 45439 | 937-294-7813 | 937-294-9164 | 937-294-7813 937-294-9164 Creditor Committee Member |
| Jefferies & Company, Inc. | William Q. Derrough | 520 Madison Avenue | 12th Floor | New York | ž | 10022 | 212-284-2521 | 212-284-2470 | UCC Professional |
| JPMorgan Chase Bank, N.A. | Richard Duker | 270 Park Avenue | | New York | × | 10017 | 212-270-5484 | 212-270-4016 | 212-270-5484 212-270-4016 Prepetition Administrative Agent |
| JPMorgan Chase Bank, N.A. | Susan Atkins, Gianni
Russello | 277 Park Ave 8th Fi | | New York | ķ | 10172 | 212-270-0426 | 212-270-0430 | 212-270-0426 212-270-0430 Postpetition Administrative Agent |

Page 1 of 3

10/5/2009 1:04 PM Master Service List 090925.XLS Overnight

| COMPANY | CONTACT | ADDRESS1 | ADDRESS2 | CITY | STATE ZIP | ZIP | PHONE | FAX | PARTY / FUNCTION |
|---|--|--|-----------------------------|------------------|-----------|----------------|---------------------------|--------------|---|
| Kramer Levin Naffalis & Frankel | Gordon Z. Novod | 1177 Avenue of the
Americas | | New York | ż | 10036 | 212-715-9100 | 212-715-8000 | Counsel Data Systems Corporation; EDS Information Services, LLC |
| Kramer Levin Naftalis & Frankel | | 1177 Avenue of the | | | | | | | |
| LLP | Thomas Moers Mayer | Americas | | New York | ž | | 212-715-9100 | 212-715-8000 | |
| Kurtzman Carson Consultants | Sheryl Betance | 2335 Alaska Ave | | El Segundo | CA | 90245 | 310-823-9000 | 310-823-9133 | |
| Latham & Watkins LLP | Robert J. Rosenberg | 885 Third Avenue | | New York | ž | 10022 | 212-906-1370 | 212-751-4864 | Counsel to Official Committee of
Unsecured Creditors |
| Law Debenture Trust of New York | Daniel R. Fisher | 400 Madison Ave | Fourth Floor | New York | ž | 10017 | | 212-750-1361 | |
| Law Debenture Trust of New York | Patrick J. Healy | 400 Madison Ave | Fourth Floor | New York | ž | 10017 | 212-750-6474 | 212-750-1361 | 212-750-1361 Indenture Trustee |
| McDermott Will & Emery LLP | David D, Cleary | 227 West Monroe Street | Suite 5400 | Chicago | | 90909 | 312-372-2000 | 312-984-7700 | 312-984-7700 Counsel to Recticel North America, Inc. |
| McDermott Will & Emery LLP | Jason J. DeJonker | 227 West Monroe Street | Suite 5400 | Chicago | | 90909 | 312-372-2000 | 312-984-7700 | 312-984-7700 Counsel to Recticel North America, Inc. |
| McDermott Will & Emery LLP | Mohsin N. Khambati | 227 West Monroe Street | Suite 5400 | Chicago | II. | 90909 | 312-372-2000 | 312-984-7700 | 312-984-7700 Counsel to Recticel North America, Inc. |
| McTigue Law Firm | Cornish F. Hitchcock | 5301 Wisconsin Ave.
N.W. | Suite 350 | Washington | ည္ပ | 20015 | 202-364-6900 | 202-364-9960 | Counsel to Movant Retirees and
Proposed Counsel to The Official
Committee of Retirees |
| McTigue Law Firm | J. Brian McTigue | 5301 Wisconsin Ave.
N.W. | Suite 350 | Washington | DC | 20015 | 202-364-6900 202-364-9960 | 202-364-9960 | Counsel to Movant Retirees and Proposed Counsel to The Official Committee of Retirees |
| Mesirow Financial | Leon Szlezinger | 666 Third Ave | 21st Floor | New York | ≱ | 10017 | 212-808-8366 | 212-682-5015 | 212-682-5015 UCC Professional |
| Milbank Tweed Hadley & McCloy | Gregory A Bray Esq
Thomas R Kreller Esq
James E Till Esq | 601 South Figueroa
Street | 30th Floor | Los Angeles | ð | 90017 | | 213-629-5063 | Counsel to Cerberus Capital Counsel to Cerberus Capital CO Management LP and Dolce Investments CO LLC |
| New York State Office of Attorney
General | Eugene J. Leff | Assistant Attorney
General & Deputy Bureau 120 Broadway,
Chief | 120 Broadway,
26th Floor | New York | ź | 10271 | 212-416-8465 | 212-416-6007 | State of New York; New York State
Department of Environmental
Consevation |
| Northeast Regional Office | Mark Schonfeld, Regional
Director | 3 World Financial Center | Room 4300 | New York | ž | 10281 | | 212-336-1323 | Securities and Exchange Commission |
| Office of New York State | Attorney General Eliot Spitzer 120 Broadway | 120 Broadway | | New York
City | | 10271 | 212-416-8000 | 212-416-6075 | New York Attorney General's Office |
| O'Melveny & Myers LLP O'Melveny & Myers LIP | Robert Siegel Tom A. Jerman, Rachel | 400 South Hope Street
1625 Eve Street NW | | Los Angeles | g 2 | 90071
20006 | 213-430-6000 | 213-430-6407 | 213-430-6407 Special Labor Counsel |
| Paul, Weiss, Rifkind, Wharton &
Garrison LLP | Stephen J. Shimshak
Philip A Weintraub | 1285 Avenue of the
Americas | | New York | } ≥ | 10019-6064 | | 212-757-3990 | Counsel to Ryder Integrated Logistics, |
| Pension Benefit Guaranty
Corporation | Israel Goldowitz | 1200 K Street, N.W. | Suite 340 | Washington | 2 | 20005-4026 | 20005-4026 2023264020 | 2023264112 | |
| Pension Benefit Guaranty
Corporation | Karen L. Morris, John Menke,
Ralph L. Landy, Beth A.
Bangert | 1200 K Street, N.W. | Suite 340 | Washington DC | 20 | 20005 | 202-326-4020 202-326-4112 | 202-326-4112 | |
| Phillips Nizer LLP | Sandra A. Riemer | 666 Fifth Avenue | | New York | ž | 10103 | 212-841-0589 | 212-262-5152 | |
| Rothchild Inc. | David L. Resnick | 1251 Avenue of the
Americas | | New York | ź | 10020 | 212-403-3500 | 212-403-5454 | 212-403-3500 212-403-5454 Financial Advisor |
| | Kana a samu | and the second | | 1001 | | 2222 | 222 221 717 | 110 001 717 | |

Delphi Corporation Master Service List

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Pg | 549 | of 94 | 4 | ·u | | , T | 3/ I |
|------------------|---|---|---|---|------------------------------------|---|---|---|----------------------------------|---|---|---|---|---|---|---|---------------------------------------|--|
| PARTY / FUNCTION | Counsel to Murata Electronics North
212-218-5526 America, Inc.; Fujikura America, Inc. | 212-848-7179 Local Counsel to the Debtors | Counsel to Debtor's Prepetition
Administrative Agent, JPMorgan Chase
Bank, N.A. | 312-407-0411 Counsel to the Debtor | 212-735-2000 Counsel to the Debtor | Counsel to Movant Retirees and Proposed Counsel to The Official Committee of Retirees | Counsel to Movant Retirees and Proposed Counsel to The Official Committee of Retirees | 312-641-0060 312-641-6959 Counsel to the Delphi Retiree Committee | Counsel to Warnco, Inc. | 212-967-4258 Conflicts Counsel to the Debtors | 973-656-8365 973-656-8805 Creditor Committee Member | 212-668-2255
does not take
convice via fax Councel to United States Trustee | Proposed Conflicts Counsel to the Official Committee of Unsecured Creditors | 212-310-8500 212-310-8077 Counsel to General Motors Corporation | 212-310-8000 212-310-8007 Counsel to General Motors Corporation | 212-310-8000 212-310-8007 Counsel to General Motors Corporation | Counsel to General Motors Corporation | Creditor Committee Member/Indenture
Trustee |
| FAX | 212-218-5526 | 212-848-7179 | Counsel to
Administra
212-455-2000 212-455-2502 Bank, N.A. | 312-407-0411 | 212-735-2000 | 314-862-4656 | 314-863-7733 314-862-4656 | 312-641-6959 | 2123198505 | 212-967-4258 | 973-656-8805 | 212-668-2255
does not take | Proposed
Official Co
817-810-5255 Creditors | 212-310-8077 | 212-310-8007 | 212-310-8007 | 212-310-8000 212-310-8007 | 302-636-6058 302-636-4143 Trustee |
| PHONE | 10018-1405 212-218-5500 | 212-8484000 | 212-455-2000 | 60606-1720 312-407-0700 | 212-735-3000 | 314-863-7733 | 314-863-7733 | 312-641-0060 | 2123198500 | 212-594-5000 | 973-656-8365 | 10004-2112 212,510,0500 | 817-810-5250 | 212-310-8500 | 212-310-8000 | 212-310-8000 | 212-310-8000 | 302-636-6058 |
| | 10018-1405 | 10022 | 10017 | 60606-1720 | 10036 | 63105 | 63105 | 60603 | 10022 | 10119 | 07960 | 10004-2112 | 76102 | 10153 | 10153 | 10153 | 10153 | 19890 |
| STATE ZIP | ≱ | ż | ż | = | ž | MO | MO | | ž | ž | 2 | <u>}</u> | <u> </u> | λ | λ | ≥ | ¥ | DE |
| CITY | New York | New York | New York | Chicago | New York | St. Louis | St. Louis | Chicago | New York | New York | Morristown | Vew York | Fort Worth | New York | New York | New York | New York | Wilmington |
| ADDRESS2 | | | | Suite 2700 | P.O. Box 300 | Tenth Floor | Tenth Floor | Suite 1200 | 20th Floor | Suite 3335 | | 21et Floor | 301 Commerce
Ower II Street | | | | | 1100 North Market
Street |
| ADDRESS1 | 620 Eighth Ave | 599 Lexington Avenue | 425 Lexington Avenue | 155 N Wacker Drive | 4 Times Square | 1 North Brentwood
Boulevard | 1 North Brentwood
Boulevard | 55 West Monroe Street | 485 Madison Avenue | One Penn Plaza | 60 Columbia Road | 33 Whitehall Street | 1700 City Center Tower I | | 767 Fifth Avenue | -ifth Avenue | 767 Fifth Avenue | Rodney Square North |
| | | | | ~~~~ | | B A | 1 No
Boul | 55 We | 485 M | One F | ပိ
09 | W 88 | 1700 | 767 | 191 | 767 | 767 | ar |
| CONTACT | Robert W. Dremluk | Douglas Bartner, Jill Frizzley | Kenneth S. Ziman, Robert H.
Trust, William T. Russell, Jr. 425 Lexington Avenue | John Wm. Butler, John K.
Lyons, Ron E. Meisler | homas | 1 N
Daniel D. Doyle Bou | 1 No Nicholas Franke Boul | Jon D. Cohen, Trent P. 55 We | B. Salomon,
ntine D. Pourakis | | MaryAnn Brereton, Assistant
General Counsel | Brian Masumoto 33 W | 50 | | Jeffrey L. Tanenbaum, Esq. 767 | ģ. | ll | |

EXHIBIT B

Delphi Corporation Master Service List

10/5/2009 1:04 PM Master Service List 090925.XLS Email

| COMPANY | CONTACT | ADDRESS1 | ADDRESS2 | СПУ | STATE ZIP | | PHONE | EMAIL | PARTY / FUNCTION |
|--|--|-----------------------------------|------------------------|--------------|-----------|----------------|--------------|--------------------------------------|--|
| Barnes & Thornburg LLP | Peter A. Clark | One North Wacker Drive | e Suite 4400 | Chicago | | 60606-
2833 | 312-214-5668 | polark@btlaw.com | Counsel to Recticel Interiors; Motorola;
Temic Automotive |
| Brown Rudnick Berlack Israels | | i i | | | | | | | |
| LLP
Cabon Wains 9 Simon | Robert J. Stark | Seven Times Square | | New York | <u> </u> | 10036 | 212-209-4800 | 212-209-4800 rstark@brownrudnick.com | Indenture Trustee |
| Conen, weiss & simon | | 330 VV. 4200 Sifeet | | New TOTK | | T | 1620-000-717 | | |
| | | | | | | | | | Counsel to Rextrolles inertrational, inc., Flextronics International USA, inc.; Multek Flexible Circuits, Inc.; Sheldahl de Mexico S.A.de C.V.; Northfield |
| Curtis, Mallet-Prevost, Colt & mosle LLP | Steven J. Reisman | 101 Park Avenue | | New York | È | 10178-
0061 | 2126966000 | sreisman@cm-p.com | Acquisition Co.; Flextronics Asia-Pacific
Ltd.; Flextronics Technology (M) Sdn.
Bhd |
| | Donald Bernstein | | | | | | 212-450-4092 | donald.bernstein@dpw.com | Counsel to Debtor's Postpetition
Administrative Agent; Counsel to |
| Davis, Polk & Wardwell LLP | Brian Resnick | 450 Lexington Avenue | | New York | λ | 10017 | 212-450-4213 | brian, resnick (d) dpw, com | JPMorgan Chase Bank, N.A. |
| | | | | | | | | sean.p.corcoran@delphi.co
m | |
| Delphi Corporation | Sean Corcoran, Karen Craft | 5725 Delphi Drive | | Troy | Σ | 48098 | 248-813-2000 | ren.l.craft@defphi.com | Debtors |
| Flextronics International | Carrie L. Schiff | 305 Interlocken Parkway | | Broamfield | 00 | 80021 | 303-927-4853 | cschiff@flextronics.com | Counsel to Flextronics International |
| Flextronics International USA, Inc. | Paul W. Anderson | 2090 Fortune Drive | | San Jose | ς
V | 95131 | 408-428-1308 | paul.anderson@flextronics.c | <u>paul anderson@flextronics.c</u> Counsel to Flextronics International USA,
om |
| Freescale Semiconductor, Inc. | Richard Lee Chambers, III | 6501 William Cannon
Drive West | MD: 0E16 | Austin | ¥ | | 512-895-6357 | trev.chambers@freescale.c | Creditor Committee Member |
| Fried, Frank, Harris, Shriver & | Brad Eric Sheler
Bonnie Steingart
Jennifer L Rodburg | Service Month Carlo | | Now York | <u>}</u> | 10007 | 212-859-8000 | rodbuje@ffhsi.com | Counsel to Equity Security Holders |
| FTI Consulting Inc | Randall S Fisenberd | 3 Times Square | 11th Floor | New York | <u> </u> | | | randall eisenberg@fliconsult | dvisors to Debtors |
| General Electric Company | Valerie Venable | 9930 Kincey Avenue | | Huntersville | NC | Т | 1 | valerie.venable@qe.com | |
| Groom Law Group | Lonie A. Hassel | 1701 Pernsylvania
Avenue, NW | | Washington | 20 | 20006 | 202-857-0620 | hassel@groom.com | s ₂ |
| Hodgson Russ LLP | Garry M. Graber | 60 East 42nd St | 37th Floor | New York | ž | 10165-
0150 | 212-661-3535 | 212-661-3535 ggraber@hodgsonruss.com | Counsel to Hexcel Corporation |
| Honigman Miller Schwartz and
Cohn LLP | . Esg. | 2290 First National
Building | 660 Woodward
Avenue | Detroit | 2 | 48226-
3583 | 313-465-7000 | 313-465-7000 fgorman@honigman.com | Counsel to General Motors Corporation |
| Honigman Miller Schwartz and
Cohn LLP | | 2290 First National
Building | 660 Woodward
Avenue | Detroit | Σ | 48226-
3583 | 313-465-7000 | | Counsel to General Motors Corporation |
| Jefferies & Company, Inc, | William Q. Derrough | 520 Madison Avenue | 12th Floor | New York | λ | 10022 | 212-284-2521 | bderrough@jefferies.com | UCC Professional |
| JPMorgan Chase Bank, N.A. | Richard Duker | 270 Park Avenue | | New York | λ | 10017 | 212-270-5484 | richard.duker@ipmorgan.co
m | Prepetition Administrative Agent |
| JPMorgan Chase Bank, N.A. | Susan Atkins, Glanni Russello 277 Park Ave 8th Fl | 277 Park Ave 8th FI | | New York | Ν | 10172 | 212-270-0426 | susan.atkins@jpmorgan.co
<u>m</u> | Postpetition Administrative Agent |
| Kramer Levin Naftalis & Frankel LLP | | 1177 Avenue of the
Americas | | New York | Ž | 10036 | 212-715-9100 | 212-715-9100 gnovod@kramertevin.com | Counsel Data Systems Corporation; EDS Information Services, LLC |
| Kramer Levin Nafalls & Frankel LLP | Thomas Moers Mayer | 1177 Avenue of the
Americas | | New York | Ž | 10036 | 212-715-9100 | 212-715-9100 tmaver@kramerlevin.com | Counsel Data Systems Corporation; EDS Information Services, LLC |
| Kurtzman Carson Consultants | Sheryl Betance | 2335 Alaska Ave | | El Segundo | Ą | 90245 | 310-823-9000 | 310-823-9000 sbetance@kccllc.com | Noticing and Claims Agent |
| Latham & Watkins LLP | Robert J. Rosenberg | 885 Third Avenue | | New York | ž | 10022 | 212-906-1370 | 212-906-1370 robert rosenberg@lw.com | Counsel to Official Committee of Unsecured Creditors |

Page 1 of 3

| elphi Corporation | laster Service List |
|-------------------|---------------------|
| Delpt | Maste |

| COMPANY | CONTACT | ADDRESS1 | ADDRESS2 | CITY | STATE ZP | | PHONE | EMAIL: | PARTY / FUNCTION |
|--|--|--|-----------------------------|------------------|----------|----------------|--------------|--|---|
| Law Depending Trust of New
York | Daniel R. Fisher | 400 Madison Ave | Fourth Floor | New York | ž | 10017 | 212-750-6474 | 212-750-6474 daniel.fisher@lawdeb.com | Indenture Trustee |
| Law Debenture Trust of New
York | Patrick J. Healy | 400 Madison Ave | Fourth Floor | New York | ž | 10017 | 212-750-6474 | patrick.healv@lawdeb.com | Indenture Trustee |
| McDermott Will & Emery LLP | Jason J. DeJonker | 227 West Monroe Street | Suite 5400 | Chicago | <u></u> | 60606 | 312-372-2000 | 312-372-2000 <u>idejonker@mwe.com</u> | Counsel to Recticel North America, Inc. |
| McTigue Law Firm | Cornish F. Hitchcock | 5301 Wisconsin Ave.
N.W. | Suite 350 | Washington | 00 | 20015 | 202-364-6900 | 202-364-6900 conh@mctiquelaw.com | Counsel to Movant Retirees and
Proposed Counsel to The Official
Committee of Retirees |
| McTigue Law Firm | J. Brian McTigue | 5301 Wisconsin Ave.
N.W. | Suite 350 | Washington | 2 | 20015 | 202-364-6900 | bmctique@mctiquelaw.com | Counsel to Movant Retirees and Proposed Counsel to The Official Committee of Retirees |
| Mesirow Financial | Leon Szlezinger | 666 Third Ave | 21st Floor | New York | È | 10017 | 212-808-8366 | Iszlezinger@mesirowfinanci
al.com | UCC Professional |
| Milbank Tweed Hadley & McCloy LLP | Gregory A Bray Esq
Thomas R Kreller Esq
James E Till Esq | 601 South Figueroa
Street | 30th Floor | Los Angeles | 5 | 90017 | 213-892-4000 | <u>dbray@milbank.com</u>
tkrelier@milbank.com
jtill@milbank.com | Counsel to Cerberus Capital Management LP and Dolce Investments LLC |
| New York State Office of
Attorney General | Eugene J. Leff | Assistant Attorney
General & Deputy
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Page 1 of 22

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Page 8 of 22

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Page 9 of 22

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In re. Delphi Corporation, et al. Case No. 05-4481 (RDD)

Page 10 of 22

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Page 11 of 22

10/5/2009 1:02 PM Email (389)

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Page 16 of 22

10/5/2009 1:02 PM Email (389)

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Page 18 of 22

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Page 20 of 22

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| | latt, Stettinius & Hollister LLP | Taft, Stettinius & Hollister LLP | Teitelbaum & Baskin LLP | Tennessee Department of | Thacher Proffit & Wood LLP | Thacher Proffitt & Wood LLP | | The Furukawa Electric Co., Ltd. | The Timpken Corporation BIC -
08 | Thompson & Knight | Thompson & Knight LLP | Thompson & Knight LLP | Thompson Coburn Fagel Haber | Thompson Coburn LLP d/b/a Thompson Coburn Eagel Haber | House Count rage name | TI Group Automotive Systms LLC Timothy M. Guerriero | Todd & Levi, LLP | | | U.S. Department of Justice | Underbera & Kessler, LLP | | Union Pacific Railroad Company | United Steel, Paper and Forestry,
Rubber, Manufacturing, Energy | Vorys, Sater, Seymour and Pease
LLP | | Wachtell, Lipton, Rosen & Katz | Warner Norcross & Judd LLP | Warner Norcross & Judd LLP |

Page 21 of 22

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<u>≅</u> | 1 |) (1 |
|------------------|----------------------------------|--|---|--|---|---|---|--|--|---------------------------------------|---|---------------------------------------|---|
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Credit Union | Counsel to Appatoosa
Management, LP | Counsel to Appaloosa
Management, LP | Counsel to Schunk Graphite
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| | | | 787 | | 394 | 262 | 193 | | | | | | - |
| E ZIP | 49503 | 43215 | 10036-2787 | 33131 | 53202-4894 | 44011-1262 | 10166-4193 | 92660 | 92660 | 29601 | 19801 | 14614 | 10022 |
| STATE | ·ΪΣ | Ю | ž | 균 | .IM | 동 | ž | <u> </u> | ₹ | SC | DE | Λ | ž |
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Batista Co | Winston & Strawn LLP | Winthrop Couchot Professional
Corporation | Winthrop Couchot Professional
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Page 22 of 22

EXHIBIT C

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Page 1 of 3

Delphi Corporation 2002 List

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In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

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Page 3 of 3

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In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

EXHIBIT E

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Delphi Corporation Special Parties

EXHIBIT 5

Hearing Date: October 22, 2009

Hearing Time: 10:00 a.m. (prevailing Eastern time)

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- and -

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Debtors.

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re : Chapter 11

DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)

: (Jointly Administered)

PROPOSED FORTY-EIGHTH OMNIBUS HEARING AGENDA

Location Of Hearing: United States Bankruptcy Court for the Southern District of New

York, Alexander Hamilton Custom House, Room 610, 6th Floor, One

Bowling Green, New York, New York 10004-1408



The matters set for hearing are divided into the following categories for the purposes of this Proposed Agenda:

- A. Introduction
- B. Continued Or Adjourned Matters (None)
- C. Uncontested, Agreed, Withdrawn, Or Settled Matters (1 Matter)
- D. Contested Matters (1 Matter)
- B. Continued Or Adjourned Matters*

See footnote.

- C. Uncontested, Agreed, Withdrawn, Or Settled Matters
 - Debtor's Motion To Extend Deadline Supplemental Motion Pursuant To Fed. R. Bankr. P. 7004(b) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order (Docket No. 18952)

Responses filed:

None.

Reply filed:

None.

Related filings:

None.

Status:

The hearing with respect to this matter will be

proceeding.

D. Contested Matters

2. Robert Backie Motion - Creditor's Motion For Court Enforcement (Docket No. 18809)

Motions found at the following docket numbers that appeared on previous Proposed Hearing Agendas have been voluntarily withdrawn from the agenda and would need to be re-noticed under the Case Management Order to be reinstated on an agenda: Mercedes-Benz U.S. International, Inc.'s Motion to File Claims [Docket No. 4778], Methode Electronics, Inc.'s Setoff Motion [Docket No. 4912], Computer Patent Annuities Limited's Motion To Assume Or Reject Executory Contract [Docket No. 5153], Motion Of Sumida America Inc. To Allow Setoff/Recoupment And For Relief From Automatic Stay [Docket No. 6723], ATEL Leasing Corporation's Motion To Allow Administrative Claim [Docket No. 6990], Debtors' Omnibus Objection To Claims For Postpetition Interest [Docket No. 12833], and Furukawa Administrative Expenses Motion [Docket No. 18706]. In addition, the following adversary proceedings have also been withdrawn from the agenda and would be subject to re-noticing to be reinstated on a hearing agenda: National Union Fire Insurance Company Of Pittsburgh, PA Adv. Pro. No. 07-01435, which has been settled as part of the MDL settlement and will be resolved upon the Court's approval of the MDL settlement; Debtors' Motion for Determination [Docket No. 30] and Plaintiff's Motion for Leave [Docket No. 36], Computer Sciences Corporation Adv. Pro. No. 09-01271.

05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 589 of 944

Responses filed:

Reorganized Debtors' Objection To Creditor's Motion

For Court Enforcement [Docket No. 18809] (Docket

No. 18981)

Reply filed:

None.

Related filings:

None.

Status:

The hearing with respect to this matter will be

proceeding.

Dated:

New York, New York

October 21, 2009

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EXHIBIT 6

IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

| | X |
|---|---|
| In re | :
Chapter 11 |
| DELPHI CORPORATION, et al., | :
: Case No. 05-44481 (RDD) |
| Debtors. | :
(Jointly Administered) |
| | x |
| AFFIDAVIT | OF SERVICE |
| | n according to law, depose and say that I am LLC, the Court appointed claims and noticing cases. |
| parties listed on Exhibit A hereto via overnig | served the document listed below (i) upon the tht mail, (ii) upon the parties listed on Exhibit upon the parties listed on Exhibit C hereto via |
| Proposed Forty-Eighth Omnibus Hear | ing Agenda (Docket No. 18991) |
| | |
| Dated: October 26, 2009 | /s/ Darlene Calderon |
| | Darlene Calderon |
| State of California County of Los Angeles | |
| Subscribed and sworn to (or affirmed) before Darlene Calderon, proved to me on the basis of appeared before me. | • |
| Signature: /s/ Gary Christensen | |
| Commission Expires: <u>11/12/09</u> | |



EXHIBIT A

In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

| Barnes & Thormburg LLP | Peter A. Clark | One North Wacker Drive | Suite 4400 | Chicago | | 60606-2833 | 60606-2833 312-214-5668 | 312-759-5646 | Counsel to Recticel Interiors; Motorola;
Temic Automotive |
|---|-----------------------------------|-----------------------------------|--------------|----------|----------|---|---|-----------------------------------|--|
| Drawn Dudwiak Darlack Israala I I D | | | _ | - | | | | | |
| DIOWII RUGIICK BETIACK ISTABIS LLP | P Robert J. Stark | Seven Times Square | | New York | ₹ | 10036 | 212-209-4800 | 212-2094801 | Indenture Trustee |
| Cohen, Weiss & Simon | ! | 330 W. 42nd Street | | | Ŋ | | 212-356-0231 | 212-695-5436 | |
| Curtis, Mallet-Prevost, Colt & mosle
LLP | le
Steven J. Reisman | 101 Park Avenue | | | ΥN | 10178-0061 | 10178-0061 2126966000 | 2126971559 | Counsel to Flextronics International, Inc., Flextronics International USA, Inc.; Flextronics International USA, Inc.; Multek Flexible Circuits, Inc.; Sheldahl de Mexico S.A.de C.V.; Northfield Acquisition Co.; Flextronics Asia-Pacific Ltd.; Flextronics Technology (M) Sdn. Bhd |
| Davis, Polk & Wardwell LLP | Donald Bernstein
Brian Resnick | 450 Lexington Avenue | | | ₹ | 10017 | ωνι | ωŇ | Counsel to Debtor's Postpetition Administrative Agent, Counsel to JPMorgan Chase Bank, N.A. |
| Delphi Corporation | Sean Corcoran, Karen Craft | 5725 Delphi Drive | | | <u> </u> | | 2000 518 870 | 200 | |
| Flextronics International | Carrie L. Schiff | 305 Interlocken Parkwav | | mfield | S | 80021 | | 303-652-4716 | Counsel to Elevtronics International |
| Flextronics International USA, Inc. | Paul W. Anderson | 2090 Fortune Drive | | | O.A | 95131 | 408-428-1308 | | Counsel to Flextronics International USA, |
| Freescale Semiconductor, Inc. | Richard Lee Chambers, III | 6501 William Cannon
Drive West | MD: OE16 | | ∀ | | | 512-895-3090 | 512-895-3090 Creditor Committee Member |
| Fried, Frank, Harris, Shriver &
Jacobson | | One New York Blaze | | 2 | 2 | 2002 | 000000000000000000000000000000000000000 | 200 | Counsel to Equity Security Holders |
| FTI Consulting, Inc. | Randall S. Eisenberg | 3 Times Square | 11th Floor | New York | 2 | | 212-2471010 212-841-9350 | 212-841-9350 | Financial Advisors to Debtors |
| General Electric Company | Valerie Venable | 9930 Kincey Avenue | | ल | S. | 28078 | 704-992-5075 | 866-585-2386 | 866-585-2386 Creditor Committee Member |
| Groom Law Group | Lonie A. Hassel | 1701 Pennsylvania
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| Hodgson Russ LLP | Garry M. Graber | 60 Fast 42nd St | 37th Floor | ! | Z
Y | 10165-0150 | | 242 072 1677 | |
| Honigman Miller Schwartz and Cohr | | 2290 First National | 660 Woodward | | | 100000000000000000000000000000000000000 | | 212-012-000 | ZIZ-072 Coulise to traver collocation |
| Honigman Miller Schwartz and Cohr | Rohert B. Weice For | 2290 First National | 660 Woodward | | | 10000 0500 | 200 2502 242 465 7000 | 242 425 2222 | OAA AGE DOOD |
| Internal Revenue Service | rtment | 477 Michigan Ave | Mail Stop 15 | Detroit | ≦ 3 | 48226 | 313-628-3648 | 313-628-3602 | 226 313-628-3648 313-628-3600 Michigan IRS |
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Micalgai IXO |
| IUE-CWA | Conference Board Chairman | 2360 W. Dorothy Lane | Suite 201 | | 물 : | 45439 | 937-294-7813 937-294-9164 | 937-294-9164 | Creditor Committee Member |
| Jefferies & Company, Inc. | William Q. Derrough | 520 Madison Avenue | 12th Floor | 츳 | NY : | 10022 | 212-284-2521 | 212-284-2470 | UCC Professional |
| JPMorgan Chase Bank, N.A. | Richard Duker | 270 Park Avenue | | New York | NY | 10017 | 212-270-5484 | 212-270-4016 | Prepetition Administrative Agent |
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Russello | 277 Park Ave 8th FI | | New York | NY
Y | 10172 | 212-270-0426 | 212-270-0430 | 212-270-0426 212-270-0430 Postpetition Administrative Agent |

Page 1 of 3

| , | 212-403- | 212-403-3500 | 10020 | Ž | New York | | 1251 Avenue of the
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Bangert | Pension Benefit Guaranty
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| 212-750-6474 212-750-1361 Indenture Trustee | 1 212-750 | 212-750-647 | 10017 | N | New York | Fourth Floor | 400 Madison Ave | Daniel R. Fisher | Law Debenture Trust of New York |
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| Wilmington Trust Company | well, Gotshal & Manges LLP | Weil, Gotshal & Manges LLP | Weil, Gotshal & Manges LLP | Well, Gotshal & Manges LLP | Warner Stevens, L.L.P. | } | United States Trustee | Tyco Electronics Corporation | | Togut, Segal & Segal LLP | Stevens & Lee, P.C. | Stahl Cowen Crowley Addis LLC | Spencer Fane Britt & Browne LLP | Spencer Fane Britt & Browne LLP | Flom LLP | Skadden, Arps, Slate, Meagher & Flom LLP | Simpson Thatcher & Bartlett LLP | Shearman & Sterling LLP | Seyfarth Shaw LLP |
|------------------------------------|---------------------------------------|---------------------------------------|--|--|-------------------------------------|--|---|--|-----------------------------|---|--|--|--|---|-----------------------|---|---|--------------------------------|--|
| Steven M. Cimalore | Michael P. Kessier, Esq. | Martin J. Bienenstock, Esq. | Jeffrey L. Tanenbaum, Esq. | Harvey R. Miller | Michael D. Warner | | Brian Masumoto | General Counsel | MaryAnn Brereton, Assistant | Albert Togut | Chester B. Salomon,
Constantine D. Pourakis | Jon D. Cohen, Trent P.
Cornell | Nicholas Franke | Daniel D. Doyle | J. Matz | John Wm. Butler, John K.
Lyons, Ron E. Meisler | Kenneth S. Ziman, Robert H.
Trust, William T. Russell, Jr. | Douglas Bartner, Jill Frizzley | Robert W. Dremluk |
| Rodney Square North | 767 Fitth Avenue | 767 Fifth Avenue | 767 Fifth Avenue | 767 Fifth Avenue | 1700 City Center Tower II Street | | 33 Whitehall Street | 60 Columbia Road | | One Penn Plaza | 485 Madison Avenue | lonroe Street | 1 North Brentwood
Boulevard | 1 North Brentwood
Boulevard | 4 Times Square | 155 N Wacker Drive | 425 Lexington Avenue | 599 Lexington Avenue | 620 Eighth Ave |
| Street | 1100 North Market | | | | Street | 301 Commerce | 21st Floor | | | Suite 3335 | 20th Floor | Suite 1200 | Tenth Floor | Tenth Floor | P.O. Box 300 | Suite 2700 | | | |
| Wilmington | New York | New York | New York | New York | Fort Worth | | New York | Morristown | | New York | New York | Chicago | St. Louis | St. Louis | New York | Chicago | New York | New York | New York NY 10 |
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| 302-836-8058 | 212-310-8000 | 212-310-8000 | 212-310-8000 | 212-310-8500 | 817-810-5250 | | 10004-2112 212-510-0500 | 973-656-8365 | | 212-594-5000 | | 312-641-0060 | 314-863-7733 | 314-863-7733 | 212-735-3000 | 0606-1720 312-407-0700 | 212-455-2000 | 212-8484000 | 018-1405 212-218-5500 212-218 |
| 302-636-6058 302-636-4143 Trijetae | 212-310-8007 | 212-310-8007 | 212-310-8007 | 212-310-8077 | 817-810-5250 817-810-5255 Creditors | | 212-668-2255
does not take
service via fax | 973-656-8805 | | 212-967-4258 | 2123198505 | 312-641-6959 | 314-862-4656 | 314-862-4656 | 212-735-2000 | 312-407-0411 | 212-455-2000 212-455-2502 | 212-848-7179 | 212-218-5526 |
| Tristae | Counsel to General Motors Corporation | Counsel to General Motors Corporation | 212-310-8007 Counsel to General Motors Corporation | 212-310-8500 212-310-8077 Counsel to General Motors Corporation | Creditors | Proposed Conflicts Counsel to the
Official Committee of Unsecured | 212-668-2255 does not take service via fax Counsel to United States Trustee | 973-656-8805 Creditor Committee Member | | 212-967-4258 Conflicts Counsel to the Debtors | Counsel to Wamco, Inc. | 312-641-6959 Counsel to the Delphi Retiree Committee | Counsel to Movant Retirees and Proposed Counsel to The Official 314-862-4656 Committee of Retirees | Counsel to Movant Retirees and
Proposed Counsel to The Official
Committee of Retirees | Counsel to the Debtor | 312-407-0411 Counsel to the Debtor | Counsel to Debtor's Prepetition Administrative Agent, JPMorgan Chase Bank, N.A. | Local Counsel to the Debtors | Counsel to Murata Electronics North 10018-1405 212-218-5500 212-218-5526 America, Inc.; Fujikura America, Inc. |

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| Tyler, Cooper & Alcom, LLP | Thelen Reid Brown Raysman &
Steiner LLP | Stein, Rudser, Cohen & Magid | Sony Electronics Inc. | Schafer and Weiner PLLC | Sachnoff & Weaver, Ltd | Republic Engineered Products, Inc. | Professional Technologies
Services | Norris, McLaughlin & Marcus | Morrison Cohen LLP | Miller & Chevalier Chartered | Jason, Inc. | InPlay Technologies Inc | DaimlerChrysler Corporation | APS Clearing, Inc. | COMPANY |
| W. Joe Wilson | Marcus O. Colabianchi | Robert F. Kidd | Lloyd B. Sarakin - Chief
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Charles S. Schulman | Joseph Lapinsky | John V. Gorman | Elizabeth L.
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Suite 900 | 411 E. Wisconsin Ave | 234 South Extension Road | CIMS 485-13-32 | 1301 S. Capital of Texas
Highway | ADDRESS1 |
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Floor | | Suite 200 | MD #1 E-4 | Suite 100 | 40th Floor | | | P.O. Box 1018 | | | Suite 2120 | | 1000 Chrysler
Drive | Suite B-220 | ADDRESS2 |
| Hartford | San Francisco | Oakland | Park Ridge | Bloomfield Hills | Chicago | Akron | Frankenmuth | Somerville | New York | Washington | Milwaukee | Mesa | Auburn Hills | Austin | OITY |
| 잌 | CA | C _A | £ | <u> </u> | F | 오 | <u>Z</u> | ٢ | NY | DC | W | ΑZ | <u> </u> | Tχ | STATE |
| 06103-3488 | 94105-3606 | 94607 | 07656 | 48304 | 60606 | 44333 | 48734 | 08876 | 10022 | 20005 | 53202 | 85201 | 48326-2766 | 78746 | طالا |
| 860-725-6200 | 415-369-7301 415-369-8764 | 510-287-2365 | 201-930-7483 | 248-540-3340 | 312-207-1000 | 330-670-3004 | 989-385-3230 | 908-722-0700 | 212-735-8600 | 202-626-5800 | | | 48326-2766 248-576-5741 | 512-314-4416 | PHONE |
| 860-278-3802 | 415-369-8764 | 510-287-2365 510-987-8333 | | | 312-207-6400 | 330-670-3004 330-670-3020 | 989-385-3230 989-754-7690 | 908-722-0700 908-722-0755 | | | | - | | 512-314-4462 | FAX |
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Company | | Counsel to Sony Electronics, Inc. | Counsel to Dott Industries, Inc. | 312-207-1000 312-207-6400 North America Corporation | Counsel to Republic Engineered Products, Inc. | Corporate Secretary for Professional Technologies Services | Counsel to Rotor Clip Company, Inc. | Counsel to Dennis Black, Charles Cunningham, and the Delphi Salaried Retiree Association | Counsel to Dennis Black, Charles Cunningham, and the Delphi Salaried Retiree Association | General Counsel to Jason Incorporated | Creditor | Counsel to DaimlerChrysler Corporation; DaimlerChrylser Motors Company, LLC; DaimlerChrylser Canada, Inc. | Counsel to APS Clearing, Inc. | PARTY / FUNCTION |

| | | : | | Market Soliare Otr 151 N Delaware St | Whitman Habanetrait Zubak Sta 2000 | Michael . Hehenstreit | la: Of paliana |
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| ASU | 16507-1459 | PΑ | Erie | Suite 700 | 100 State Street | Attn James R Walczak | Ideal Tool |
| USA | | 오 | Columbus | 52 East Gay St PO Box 1008 | Vorys Sater Seymour And Pease Lip | Robert J Sidman Robert A Bell | Honda Entities |
| USA | | F | Swansea | | | Cherie Macdonald J Patrick Bradley | Honda Entities |
| HSH | 07932 | Z | Florham Pk | 30 Columbia Turnpike | Spector & Ehrenworth Pc | Brian D Spector Esq | Hitachi Automotive Products Usa Inc |
| USA | | Ñ | Newark | One Riverfront Plaza | Sills Cummins Epstein & Gross | Andrew H Sherman | Hewlett Packard |
| USA | | MI | Detroit | 100 Renaissance Ctr | Bodman LLP | Attn Ralph E McDowell | Hayes Lemmerz Intl Inc & Lear Corp |
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| USA | | Z | Indianapolis | 11 S Meridian St | Barnes & Thornburg Lip | Michael K Mccrory Wendy D Brewer | Gibbs Die Casting Corporation |
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Corporation/ Pbr Columbia Elc / Yazaki |
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| NSA | | ΝΥ | New York | 245 Park Ave | McCarter & English LLP | Attn David Adler Brian F Moore | Automodular Assemblies Inc |
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| ASU | | 딕 | Ogden | | | Anthony Nellis | Autoliv North America Inc |
| NSU | | ≦ | Grand Rapids | w Ste 500 | | John T Gregg Esq | Autocam Corporation |
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| USA | | ΝΥ | New York | 555 Madison Ave 9th FI | Halperin Battaglia Raicht Llp | Alan Halperin Christopher Battaglia | Arc Automotive |
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| ASU | | ME | Portland | One Portland Square | Verrill Dana Llp | Jonathan R Doolittle | Agfa Gevaert Nv |
| USA | 10017 | ΝΥ | New York | 425 Lexington Ave | Simpson Thacher & Bartlett Llp | B Angiolilo K Ziman W Russell Jr | Administrative Agent Pre Secured Le |
| USA | | NY | New York | 599 Lexington Ave | Goodwin Procter Llp | Allan Brilliant € Grillo B Harvey | Ad Hoc Commit Prepetit Lend Dk Acq |
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| ltapsa Sa De Cv | Robert J Taylor | Kane Russell Coleman & Logan Bo | 3700 Thanksching Tower 1601 Elm St | Dellac | TV ZESS | | ISA
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Y | 11590 | USA |
| Newman Aluminum Automotive Impact E | John S Mairo Brett S Moore | Porzio Bromberg & Newman Pc | 156 West 56th St | New York | NY | | USA. |
| Norsk Hydro Canada Inc | Patricia A Borenstein | Miles & Stockbridge Pc | 10 Light St | Baltimore | 8 | | ASU |
| Omega Toot Corp L&w Engineering Co
Southter Lic Dott Industries Inc Ains | Sanford P Rosen Kenneth M Lewis | Sanford P Rosen & Associates Pc | 747 Third Ave | New York | Y | 2803 | NSU |
| Automotive inc Pioneer Automotive Technologies Inc Lakeside Plastics Limited Android Industries Inc Ai Doraville LIc And Ai Genesee Lic | | | | | | | |
| Pension Benefit Guaranty Corp | Karen L Morris | Deputy Chief Counsel | 1200 K Street NW Ste 340 | Washington | 20 | 20005 USA | ASU |
| Pension Benefit Guaranty Corp | Merrill Stone M Bane M Somerstein | Kelley Drye & Warren Llp | | New York | NY. | 10178 | US/A |
| Power & Signal Group | John J Monaghan | Holland & Knight Llp | 10 St James Ave | Boston | MA | | NSA |
| Preferred Sourcing LLC | Attn John R Humphrey | Sommer Barnard Attorneys PC | One Indiana Sq Suite 3500 | Indianapolis | Z | 2033 | USA |
| Preferred Sourcing LLC | Attn Randy Wagoner | VP of Finance | 3802 North 600 West Ste A | Greenfield | Z | 46140 | USA |
| Quinn Emanuel Urquhart Oliver Hedge | Susheel Kirpalani | 51 Madison Ave 22nd Floor | | New York | ΝĄ | | ASU |
| Robert Bosch Corp & Affiliates | Gordon J Toering | Warner Nordcross & Judd Llp | 900 Fifth Third Ctr 111 Lyon St Nw | Grand Rapids | Σ | 2487 | USA |
| Semiconductor Components Lic | John Dawson John Harris S Goldberg | Quarles & Brady Streich Lang Llp | | Phoenix | AZ | 85004-2391 USA | USA |
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Worthington Steel Comp Michigan Inc
Xm Satellite Radio Inc
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Delphi Corporation Special Parties

In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

Page 1 of 1

Delphi Corporation Special Party

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In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

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Page 1 of 3

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In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

Page 2 of 3

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| Porzio, Bromberg & Newman,
P.C. | P.C. P.C. | Pilisbury Winthrop Shaw Pitman | Pilisbury Winthrop Shaw Pittman | Pillsbury Winthrop Shaw Pittman
LLP | Pillsbury Winthrop Shaw Pitman
LLP | Pillsbury Winthrop Shaw Pittman
LLP | Pietragallo Bosick & Gordon LLP | Pierce Alwood LLP | Pierce Atwood LLP | Pickrel Shaeffer & Ebeling | COMPANY Pepper, Hamilton LLP |
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In re. Delphi Corporation, et al. Case No. 05-44481 (RDD)

Page 18 of 22

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| Schafer and Weiner PLLC | Schafer and Weiner PLLC | Satterlee Stephens Burke & Burke LLP | Satterlee Stephens Burke & Burke LLP | Satterlee Stephens Burke & Burke LLP | Russell Reynolds Associates, Inc. | Rosen Slome Marder LLP | Robinson, McFadden & Moore,
P.C. | Rieck and Crotty PC | Riddell Williams P.S. | Inc. | Reed Smith | Reed Smith | Quarles & Brady LLP | Quaries & Brady LLP | Quarles & Brady LLP | Quarles & Brady LLP | QAD, Inc. | PriceWaterHouseCoopers | Previant, Goldberg, Uelman,
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| Suite 100 | Suite 100 | Suite 1130 | | | | d Suite 901 | | Suite 3390 | Suite 4500 | | 29th Street | | | | Two North Central
Avenue | Two North Central
Avenue | Suite 100 West | 40 | Suite 202 |
| Bloomfield Hills | Bloomfield Hills | New York | New York | New York | New York | Uniondale | Columbia | Chicago | Seattle | Akron | New York | Chicago | Madison | Tucson | Phoenix | Phoenix | Mt. Laurel | Madrid | Milwaukee |
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Delphi Corporation 2002 List

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PARTY / FUNCTION

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| Silver Point Capital, L.P. | Sills, Cummis Epstein & Gross, P.C. | Sills, Cummis Epstein & Gross,
P.C. | Sills, Cummis Epstein & Gross,
P.C. | Shipman & Goodwin LLP | Sher, Gamer, Cahill, Richter,
Klein & Hilbert, LLC | Sher, Garner, Cahill, Richter,
Klein & Hilbert, LLC | Sneppard Mullin Richter & Hampton LLP | Sheppard Mullin Richter & Hampton LLP | Hampton LLP | Hampton LLP | Sheldon S. Toll PLLC | Professional Association | Shaw Gussis Fishman Glantz Wolfson & Towbin LLC | Seyfarth Shaw LLP | Seyfarth Shaw LLP | Seyfarth Shaw LLP | Schulte Roth & Zabel LLP | Schulte Roth & Zabel LLP | Schulte Roth & Zabel LLP | Schiff Hardin LLP | Schafer and Weiner PLLC | Schafer and Weiner PLLC | COMPANY |
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Suite 300 | | Suite 700 | | | | | Suite 100 | Suite 100 | ADDRESS2 |
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| Stutman Treister & Glatt
Professional Corporation | Stites & Harbison, PLLC | Stites & Harbison PLLC | Stites & Harbison PLLC | Stinson Morrison Hecker LLP | Sievens & Lee, P.C. | Sterns & Weinroth, P.C. | Steel Technologies, Inc. | State of Michigan Labor Division | State of Michigan Department of
Labor & Economic Growth,
Unemployment Insurance Agency | State of California Office of the Attorney General | Squire, Sanders & Dempsey | Sonnenschein Nath & Rosenthal | LLP | Sonnenschein Nath & Rosenthal | Sonnenschein Nath & Rosenthal | Smith, Katzenstein & Furlow LLP | COMPANY |
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Floor | ADDRESS1 |
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Street Ste 1702 | 127 Public Sq | 233 South Wacker
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| CA | Ϋ́ | Z Z | M | MO | Z | Z | ₹ | <u>x</u> | <u>Z</u> | C _A | 오 | F | N
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| 90067 | 40202 | 37219 | 37219 | 64106 | 10022 | 08607-1298 | 40245 | 48909 | 48202 | 90013 | 44114 | 60606 | 10020 | 60606 | 10020 | 19899 | ZIP |
| 310-228-5600 | 502-681-0448
502-587-3400 | 615-244-5200 | 615-244-5200 | 816-842-8600 | 212-319-8500 | 609-392-2100 | 502-245-0322 | 517-373-2560 | 313-456-2210 | 213-897-2640 | 216-479-8692 | 312-876-8000 | 212-768-6700 | 312-876-8000 | 212-768-6700 | 302-652-8400 | COUNTRY PHONE |
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| Warner Norcross & Judd LLP | Wamer Norcross & Judd LLP | Wachtell, Lipton, Rosen & Katz | Vorys, Sater, Seymour and Pease
LLP | United Steel, Paper and Forestry, Rubber, Manufacturing, Energy | Union Pacific Railroad Company | Underberg & Kessler, LLP | U.S. Department of Justice | lodd & Levi, LLP | TI Group Automotive Systms LLC | Thompson Coburn LLP d/b/a Thompson Coburn Fagel Haber | Thompson Coburn Fagel Haber | Thompson & Knight LLP | Thompson & Knight LLP | Thompson & Knight | 1 ne Timpken Corporation BIC - | The Furukawa Electric Co., Ltd. | The state of the s | Thacher Proffit & Wood P | Thachar Broffit & Wood II D | Tennessee Department of | Teitelbaum & Baskin LLP | Taff, Stettinius & Hollister LLP | | Taft, Stettinius & Hollister LLP | COMPANY |
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Corporation and Gobar Systems, | Counsel to Wren Industries, Inc. | PARTY / FUNCTION |

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Corporation | Winthrop Couchot Professional
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Blvd., Suite 4900 | | Suite 900 | 111 Lyon Street, N.W. | ADDRESS2 |
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Tranche A & B DIP Lenders | Counsel for Delphi Sandusky | Counsel to Schunk Graphite
Technology | Counsel to Appaloosa
Management, LP | Counsel to Appaloosa
Management, LP | Counsel to Seven Seventeen Credit Union | Counsel to Behr Industries Corp. | PARTY / FUNCTION |

EXHIBIL C

| Counsel to General Motors | 212-310-8007 | Counsel to 212-310-8000 212-310-8007 Cornoration | 10153 | Ž
~ | New York | | 767 Fifth Avenue | Martin J. Bienenstock, Esq. | Weil, Gotshal & Manges LLP |
|---|--------------|--|-------|----------------|------------------|--------------|-------------------------------------|--|--------------------------------------|
| Creditor Committee Member | 973-656-8805 | 973-656-8365 973-656-8805 | 07960 | ٢ | Morristown | | 60 Columbia Road | MaryAnn Brereton, Assistant
General Counsel | Tyco Electronics Corporation |
| New York Attorney General's Office | 212-416-6075 | 212-416-8000 212-416-6075 | 10271 | NY | New York
City | | 120 Broadway | Attorney General Ellot Spitzer 120 Broadway | Office of New York State |
| Counsel to Cerberus Capital Management LP and Dolce Investments LLC | 213-629-5063 | 213-892-4000 213-629-5063 | 90017 | C _A | Los Angeles | 30th Floor | 601 South Figueroa
Street | James E Till Esq | Milbank Tweed Hadley & McCloy
LLP |
| Counsel to Recticel North America, Inc. | 312-984-7700 | 312-372-2000 312-984-7700 | 60606 | F | Chicago | Suite 5400 | 227 West Monroe Street Suite 5400 | Mohsin N. Khambati | McDermott Will & Emery LLP |
| Counsel to Recticel North America, Inc. | 312-984-7700 | 312-372-2000 312-984-7700 | 60606 | = | Chicago | Suite 5400 | 227 West Monroe Street | David D. Cleary | McDermott Will & Emery LLP |
| UCC Professional | 212-284-2470 | 212-284-2521 212-284-2470 | 10022 | NY | New York | 12th Floor | 520 Madison Avenue | William Q. Derrough | Jefferies & Company, Inc, |
| Creditor Committee Member | 937-294-9164 | 937-294-7813 937-294-9164 | 45439 | 오 | Dayton | Suite 201 | 2360 W. Dorothy Lane | Conference Board Chairman | IUE-CWA |
| IRS | 212-436-1931 | 212-436-1038 212-436-1931 | 10007 | NY | New York | 5th Floor | 290 Broadway | Attn: Insolvency Department,
Maria Valerio | Internal Revenue Service |
| Michigan IRS | 313-628-3602 | 313-628-3648 313-628-3602 | 48226 | ≧ | Detroit | Mail Stop 15 | 477 Michigan Ave | Attn: Insolvency Department | nternal Revenue Service |
| PARITY I FUNCTION | FAX: | PRONE | 41 | O A E | 110 | TO DIVISION | | | |

Delphi Corporation Master Service List

| Case | in re, |
|--------------------|---------------------------|
| No. 05-44481 (RDD) | Delphi Corporation, et al |
| | |

| Schiffrin & Barroway, LLP Michael Yarnoff 280 King of Prussia Road | Ropes & Gray LLP Gregory O. Kaden One International Place | Ropers, Majeski, Kohn & Bentley Christopher Norgaard 515 South Flower Street | Riverside Claims LLC Holly Rogers 2109 Broadway | art Oliver James C Tecce Scott C Shelley | Pepper, Hamilton LLP Linda J. Casey 3000 Two logan Square | Paul, Weiss, Rilkind, Wharton & 1285 Avenue of the Garrison Justin G. Brass Americas | Curtis J. Weidler | Bradley E. Beckworth Jeffrey J. Angelovich Nix, Patterson & Roach, L.L.P. Susan Whatley 205 Linda Drive | Michigan Heritage Bank Janice M. Donahue 28300 Orchard Lake Rd | McCarthy Tetrault LLP John J. Salmas 66 Wellington Street West | Jaffe, Raitt, Heuer & Weiss, P.C. Paige E. Barr 27777 Franklin Road | Hewlett-Packard Company Anne Marie Kennelly 1050 1050 | John E Taylor Bingham McHale LLP Michael J Alerding 10 West Market Street | Bernstein Litowitz Berger & 1285 Avenue of the Grossman Wallace A. Showman Americas | Angelo, Gordon & Co. Leigh Walzer 245 Park Avenue |
|---|---|--|---|---|---|--|--|---|--|--|---|---|--|---|---|
| 1 Road | lace | Street Suite 1100 | Suite 206 | | uare Streets | | | | e Rd Ste 200 | t West Suite 4700 | d Suite 2500 | W.S | eet Suite 2700 | | 26th Floor |
| Radnor | Boston | Los Angeles | New York | New York | ch
Philadelphia | New York | New York | Daingerfield | Farmington Hills MI | Toronto | Southfield | Palo Alto | Indianapolis | New York | New York |
| PA | MA | C _A | N | ¥ | PΑ | ¥ | ¥ | X | ₹ | Ontario | ≦ | CA | Z | NY N | YN |
| 19087 | 02110-2624 | 90071 | 10023 | 10010 | 19103-2799 | 10019-6064 | 10019-6064 | 75638 | 48334 | M5K 1E6 | 48034 | 94304 | 46204 | 10019 | 10167 |
| | | | | | | | | | | Canada | | | | | 212-692-8 |
| 610-667-7706 | 617-951-7000 | 213-312-2000 213-312-2001 | 212-501-0990 | 212-849-7199 | 215-981-4000 | 212-373-3000 | 212-373-3157 | 903-645-7333 903-645-4415 | 248-538-2529 248-786-3596 | 416-362-1812 416-868-0673 | 248-351-3000 | 650-857-6902 650-852-8617 Company | Counsel to L
Engineering
317-635-8900 317-236-9907 Corporation | 212-554-1429 212-554-1444 C.V. | 251 |
| 610-667-7056 | 617-951-7050 | 213-312-2001 | 212-501-7088 | 212-849-7100 | 215-981-4750 | 212-757-3990 | 212-373-2053 | 903-645-4415 | 248-786-3596 | 416-868-0673 | 248-351-3082 | 650-852-8617 | 317-236-9907 | 212-554-1444 | 212-867-6395 |
| Counsel to Teachers Retirement System of Oklahoma; Public Employes's Retirement System of Mississippi; Raifelsen Kapitalanlage-Gesellschaft m.b.H 610-667-7706 610-667-7056 and Stichting Pensioenfords ABP | 617-951-7000 617-951-7050 Attorneys for D-J, Inc. | Counsel to Brembo S.p.A; Bibielle S.p.A.; AP Racing | Riverside Claims LLC | Counsel For Collective Of Tranche 212-849-7199 212-849-7100 C DIP Lenders | 215-981-4000 215-981-4750 Counsel to SKF USA, Inc. | Counsel to Merrill Lynch, Pierce, 212-373-3000 212-757-3990 Fenner & Smith, Incorporated | Counsel to Ambrake Corporation;
212-373-3157 212-373-2053 Akebono Corporation | Counsel to Teachers Retirement
System of Oklahoma; Public
Employes's Retirement System of
Mississippi; Ratfeisen
Kapitalanlage-Gesellschaft m.b.H
Sand Stichting Pensioenfords ABP | Counsel to Michigan Heritage
Bank; MHB Leasing, Inc. | Counsel to Themselves (McCarthy Tetrault LLP) | 248-351-3000 248-351-3082 Counsel to Trutron Corporation | Counsel to Hewlett-Packard Company | Counsel to Universal Tool & Engineering co., Inc. and M.G. Corporation | Counsel to SANLUIS Rassini International, Inc.; Rassini, S.A. de C.V. | 5 |

Delphi Corporation 2002 List

| 212-826-1100 212-317-4893 Counsel to WL. Ross & Co., LLC | 21 | 10036-2708 | ¥ | New York | | Americas | Stephen Toy | WL Ross & Co., LLC |
|---|--|---|----------------|---------------|-------------|--|-----------------------|--|
| / 14-800-1000 / 14-800-100Z Electionic Components, inc. | | 22020 | S | Costa Intega | Cuito | 1188 Avenue of the | | The state of the s |
| Counsel to Toshiba America | 7 | 03838 | 2 | Costa Masa | Suite 950 | 650 Town Center Drive | l ei l ei Wang Ekvall | Weiland, Golden, Smiley, Wang |
| Systems Corp. and EDS
817-810-5250 817-810-5255 Information Services, L.L.C. | 81 | 76102 | × | Fort Worth | Suite 1700 | 301 Commerce Street | Michael D. Warner | Warner Stevens, L.L.P. |
| Counsel to Electronic Data | | | | | | | | |
| 615-244-6380 615-244-6804 Inc. | 61 | 37219 | Ī | Nashville | Suite 2700 | 511 Union Street | Esq. | |
| 212-594-5000 212-967-4258 Conflicts counsel to Debtors | 21 | 10119 | N _Y | New York | Suite 3335 | One Penn Plaza | Albert Togut, Esq. | Togut, Segal & Segal LLP |
| 609-392-2100 609-392-7956 America Corp. | 60 | 08607-1298 | ٤ | Trenton | PO Box 1298 | Suite 1400 | Jeffrey S. Posta | Sterns & Weinroth, P.C. |
| Counsel to Doosan infracore | | | | | | 50 West State Street, | | |
| 248-352-4700 248-352-4488 Services, Inc. | 24 | 48075 | ≦ | Southfield | Suite 611 | Highway | Mark H. Shapiro | Steinberg Shapiro & Clark |
| Ltd.; Universal Truckload | | | | | | 24901 Northwestern | | |
| Corp (LINC); Universal Am-Can, | | | | | • | | | - |
| Transport, Inc.; Logistics Insight | | | | | | | | |
| Enerprises, Inc.; Economy | | - | | | | | | |
| International, Inc.; Crown | | | | | | | | |
| Inc.; Gentral Transport | | •••• | | | | | | |
| Counsel to Bing Metals Group, | | | | , | | | | |
| 415-393-9887 America, APD Inc. | | 94111-3492 | CA | San Francisco | Suite 300 | One Maritime Plaza | Eric Marcks | L.L.P. |
| Ltd. And Furukawa Electric North | | | | • | | | | Squire, Sanders & Dempsey |
| Counsel to Furukawa Electric Co., | | | | | | | | |
| 860-251-5811 860-251-5218 Metal Hose Co., | 86 | 06103-1919 | CI | Hartford | | One Constitution Plaza | Jennifer L. Adamy | Shipman & Goodwin LLP |
| Company of Illinois, Inc.; Universal | | | | | | | | |
| Counsel to Fortune Plastics | | | | | | | | |
| 610-667-7706 610-667-7056 and Stichting Pensioenfords ABP | 61 | 19087 | PA | Radnor | | 280 King of Prussia Road | Sean M. Handler | Schiffrin & Barroway, LLP |
| Kapitalanlage-Gesellschaft m.b.H | | | | | | | | |
| Mississippi; Raifeisen | | | | | | | | |
| Employes's Retirement System of | | | | • | | | | |
| System of Oklahoma; Public | | | | | | | | |
| Counsel to Teachers Retirement | | | | | | | | |
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| HONE FAX PARTY / FUNCTION | COUNTRY PHONE | ZIP | STATE | GITY | ADDRESS2 | ADDRESS1 | CONTACT | COMPANY |
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EXHIBIT 7

IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re

Chapter 11

Case No. 05-44481 (RDD)

Debtors.

(Jointly Administered)

AFFIDAVIT OF SERVICE

I, Evan Gershbein, being duly sworn according to law, depose and say that I am employed by Kurtzman Carson Consultants LLC, the Court appointed claims and noticing agent for the Debtors in the above-captioned cases. I submit this Affidavit in connection with the service of the solicitation materials for the First Amended Joint Plan of Reorganization of Delphi Corporation and Certain Affiliates, Debtors and Debtors-In-Possession [Docket No. 11388] ("the Plan").

On December 1, 2005, the Court signed and entered an Order Pursuant to 28 U.S.C. § 156(c) Authorizing Retention and Appointment of Kurtzman Carson Consultants LLC as Claims, Noticing and Balloting Agent for Clerk of Bankruptcy Court [Docket No. 1374] designating KCC as the official Balloting Agent.

KCC is charged with the duty of printing and distributing Solicitation Packages to creditors and other interested parties pursuant to the instructions set forth in the Order Approving (I) Disclosure Statement, (II) Record Date, Voting Deadline, and Procedures for Temporary Allowance of Certain Claims, (III) Hearing Date to Consider Confirmation of Plan, (IV) Procedures for Filing Objections to Plan, (V) Solicitation Procedures for Voting on Plan, (VI) Cure Claim Procedures, (VII) Procedures for Resolving Disputes Relating to Postpetition Interest, and (VIII) Reclamation Claim Procedures [Docket No. 11389] ("Solicitation Procedures Order") as entered by the Court on December 10, 2007.

The various solicitation materials consist of the following documents:

- Ballot for Accepting or Rejecting Joint Plan of Reorganization of Delphi Corporation and Certain Affiliates, Debtors and Debtors-In-Possession (Class C General Unsecured Claims) ("Class C Ballot") (attached hereto as <u>Exhibit A</u>);
- Ballot for Accepting or Rejecting Joint Plan of Reorganization of Delphi Corporation and Certain Affiliates, Debtors and Debtors-In-Possession (Class D General Motors Corporation Claim) ("Class D Ballot") (attached hereto as <u>Exhibit B</u>);



- Ballot for Accepting or Rejecting Joint Plan of Reorganization of Delphi Corporation and Certain Affiliates, Debtors and Debtors-In-Possession (Class E Section 510(b) Note Claims) ("Class E Ballot") (attached hereto as <u>Exhibit C</u>);
- Ballot for Accepting or Rejecting Joint Plan of Reorganization of Delphi Corporation and Certain Affiliates, Debtors and Debtors-In-Possession (Class G-2 Section 510(b) Equity Claims) ("Class G-2 Ballot") (attached hereto as Exhibit D);
- 5) Ballot for Accepting or Rejecting Joint Plan of Reorganization of Delphi Corporation and Certain Affiliates, Debtors and Debtors-In-Possession (Class H Section 510(b) ERISA Claims) ("Class H Ballot") (attached hereto as <u>Exhibit</u> <u>E</u>);
- 6) Notice of (1) Approval of Disclosure Statement; (2) Hearing on Confirmation of Plan; (3) Deadline and Procedures for Filing Objections to Confirmation of Plan; (4) Deadline and Procedures for Temporary Allowance of Certain Claims for Voting Purposes; (5) Deadline for Asserting Cure Claims for Assumed Contracts; (6) Treatment of Certain Unliquidated, Contingent, or Disputed Claims for Noticing, Voting, and Distribution Purposes; (7) Record Date; (8) Voting Deadline for Receipt of Ballots; and (9) Proposed Releases, Exculpation, and Injunction in Plan ("Confirmation Hearing Notice") (attached hereto as Exhibit F);
- 7) a letter from the Delphi Corporation Official Committee of Unsecured Creditors ("Creditors' Committee Letter") (attached hereto as Exhibit G);
- 8) a letter from the Delphi Corporation Official Committee of Equity Security Holders ("Equity Committee Letter") (attached hereto as <u>Exhibit H</u>);
- 9) First Amended Disclosure Statement with Respect to First Amended Plan of Reorganization, the Plan, Creditors' Committee Letter, Equity Committee Letter and Solicitation Procedures Order, in CD-ROM format ("CD-ROM")
- 10) Department of the Treasury, Internal Revenue Service, Form W-9 Request for Taxpayer Identification Number and Certification ("W-9 form") (attached hereto as Exhibit I);
- 11) Department of the Treasury, Internal Revenue Service, Form W-8BEN Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding ("W-8BEN form") (attached hereto as <u>Exhibit J</u>);
- 12) Notice of Non-Voting Status with Respect to Certain Claims and Interests ("Notice of Non-Voting Status") (attached hereto as Exhibit K);
- 13) Postpetition Interest Rate Determination Notice ("Interest Rate Notice") (attached hereto as Exhibit L):

- 14) Notice to Unimpaired Creditors of (I) Filing of First Amended Joint Plan of Reorganization, (II) Treatment of Claims Under Plan, (III) Hearing on Confirmation of Plan, and (IV) Deadline and Procedures for Filing Objections Thereto ("Unimpaired Notice") (attached hereto as Exhibit M);
- 15) an informational letter from the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) ("UAW Informational Letter") (attached hereto as <u>Exhibit N</u>);
- 16) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan Information for IAM-Represented Employees and Retirees of Delphi Corporation ("IAM Employees and Retirees Notice") (attached hereto as Exhibit O);
- 17) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan Information IBEW-Represented Employees and Retirees of Delphi Corporation ("IBEW Employees and Retirees Notice") (attached hereto as Exhibit P);
- 18) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan Information for IUE-CWA-Represented Employees and Retirees of Delphi Corporation ("IUE-CWA Employees and Retirees Notice") (attached hereto as Exhibit Q);
- 19) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan Information for IUOE-Represented Employees and Retirees of Delphi Corporation ("IUOE Employees and Retirees Notice") (attached hereto as Exhibit R);
- 20) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan Information for Certain Non-Represented Hourly Active Employees and Retirees of Delphi Corporation ("Non-Represented Employees and Retirees Notice") (attached hereto as Exhibit S);
- 21) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan Information for UAW-Represented Employees and Retirees of Delphi Corporation ("UAW Employees and Retirees Notice") (attached hereto as Exhibit T);
- 22) Notice of Approval of Delphi's Disclosure Statement, Hearing on Confirmation of Proposed Plan of Reorganization and Proposed Releases Under the Plan -Information for USW-Represented Employees and Retirees of Delphi

Corporation ("USW Employees and Retirees Notice") (attached hereto as Exhibit U); and

23) a memorandum from Kurtzman Carson Consultants to additional notice parties of ballot recipients ("Ballot Notice Party Memo") (attached hereto as Exhibit V).

On December 14, 2007, I caused to be served a personalized Class C Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Interest Rate Notice, W-9 form and a pre-addressed, postage pre-paid return envelope upon the parties listed on Exhibit W via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class C Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Interest Rate Notice, W-8BEN form and a pre-addressed, postage pre-paid return envelope upon the parties listed on Exhibit X via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class C Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Interest Rate Notice, UAW Informational Letter and a pre-addressed, postage prepaid return envelope upon the parties listed on Exhibit Y via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class C Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Interest Rate Notice and a pre-addressed, postage pre-paid return envelope upon the parties listed on Exhibit Z via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class D Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and a pre-addressed, postage pre-paid return envelope upon the parties listed on <u>Exhibit AA</u> via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class E Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and a pre-addressed, postage pre-paid return envelope upon the parties listed on Exhibit BB via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class G-2 Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and a pre-addressed, postage pre-paid return envelope upon the parties listed on <u>Exhibit CC</u> via postage pre-paid U.S. mail.

On December 14, 2007, I caused to be served a personalized Class H Ballot, Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and a pre-addressed, postage pre-paid return envelope upon the parties listed on Exhibit DD via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and W-9 form upon the parties listed on <u>Exhibit EE</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and W-8BEN form upon the parties listed on <u>Exhibit FF</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter and CD-ROM upon the parties listed on Exhibit GG via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Unimpaired Notice and W-9 form upon the parties listed on <u>Exhibit HH</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and Unimpaired Notice upon the parties listed on $\underline{\text{Exhibit }\Pi}$ via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and Notice of Non-Voting Status upon the parties listed on <u>Exhibit JJ</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Portuguese for recipients in Brazil), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Portuguese for recipients in Brazil) upon the parties listed on Exhibit KK via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Chinese), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Chinese) upon the parties listed on <u>Exhibit LL</u> via postage prepaid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Czech), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Czech) upon the parties listed on <u>Exhibit MM</u> via postage prepaid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in French), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in French) upon the parties listed on <u>Exhibit NN</u> via postage prepaid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in German), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in German) upon the parties listed on <u>Exhibit OO</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Hungarian), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Hungarian) upon the parties listed on <u>Exhibit PP</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Italian), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Italian) upon the parties listed on Exhibit QQ via postage prepaid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Spanish for recipients in Mexico), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Spanish for recipients in Mexico) upon the parties listed on Exhibit RR via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Polish), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Polish) upon the parties listed on <u>Exhibit SS</u> via postage prepaid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Portuguese for recipients in Portugal), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Portuguese for recipients in Portugal) upon the parties listed on <u>Exhibit TT</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Romanian), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Romanian) upon the parties listed on Exhibit UU via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Spanish for recipients in Spain), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Spanish for recipients in Spain) upon the parties listed on Exhibit VV via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Confirmation Hearing Notice (translated in Turkish), Creditors' Committee Letter, Equity Committee Letter, CD-ROM, Notice of Non-Voting Status and Notice of Non-Voting Status (translated in Turkish) upon the parties listed on <u>Exhibit WW</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and IAM Employees and Retirees Notice upon the parties listed on <u>Exhibit XX</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and IBEW Employees and Retirees Notice upon the parties listed on <u>Exhibit YY</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and IUE-CWA Employees and Retirees Notice upon the parties listed on <u>Exhibit ZZ</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and IUOE Employees and Retirees Notice upon the parties listed on <u>Exhibit AAA</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and Non-Represented Employees and Retirees Notice upon the parties listed on <u>Exhibit BBB</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and UAW Employees and Retirees Notice upon the parties listed on <u>Exhibit CCC</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice and USW Employees and Retirees Notice upon the parties listed on <u>Exhibit DDD</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice, Creditors' Committee Letter, Equity Committee Letter, CD-ROM and Ballot Notice Party Memo upon the parties listed on <u>Exhibit EEE</u> via postage pre-paid U.S. mail.

On or before December 15, 2007, I caused to be served the Confirmation Hearing Notice upon the parties listed on <u>Exhibit FFF</u> via postage pre-paid U.S. mail.

| Dated. January 11, 2006 | |
|-------------------------|--|
| | Evan Gershbein |
| State of California | |
| County of Los Angeles | |
| | l) before me on this 11th day of January, 2007, by basis of satisfactory evidence to be the person who |
| Signature: | |
| Commission Expires: | |

48827-9705-02 48708 47421-0219 60174 08802 48091-4753 48091-4753 53151 43216 Eaton Rapids, Detroit, Muncie, Glandale, Detroit, Taylor, Asbury, Warren, Warren, New Restlin, Columbus, Wittmann, Chicago, Greensboro, Troy, Huntsville, New York, New Yo Bay City, Bedford, St Charles Lambert Leser Isaakson Cook & Giunta PC 916 Washington Ave Ste 309 1101 12th St Ste D PO Box 219 PO Box 390 PO Box 77669 PO Box 2219 PO Box 144 12 W 37th St 9th F1 13 W 37th St 9th F1 14 W 37th St 9th F1 15 W 37th St 9th F1 16 W 37th St 9th F1 17 W 37th St 9th F1 18 W 3 10802 Plains Rte No 1 14320 Joy Rd 3805 W State Rd 28 PO Box 170770 Arvin North American Auto PO Box 1633 41 Main St 22850 Pinewood 122850 Pinewood 16250 W Glendale Dr Collection Department DS 3 12 W 37th St 9th Ft 12 W 3 Arthur D Thuma & Ruth A Thuma co Susan M Cook Amopallet Corporation Attn Lillian H Pinto Argo Partners Ar Arthur D Thuma & Ruth A Thuma JT Ten Artisan Container Services Eft Artisan Tool & Die Inc Artisan Tool & Die Inc Artisan Tool & Die Inc Artisan Co Arvin Industries Inc Asup Graphite Mills Inc Asury Graphite Mills Inc Ase Industries Inc Ase Industries Inc Ase Brown Wover Inc Abb Standard Drive Div Ashland Incorporated Armstrong Charles H Co Armstrong Relocation Co Huntsville Llc Amold Center Inc Amopallet Corporation Arthur Andersen Lip

Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

| Celese Center Comments | CreditorNoticeName | | Address2 | Address3 City | | (e 7 | Country |
|--|-------------------------------------|---|--------------------------|--|---|---------------|---------|
| Calibrations South Inc. | | PU Box /1/ | \$195 S Mortetto Dices | Pritsburgh, | Arrgh, | PA 15230-0717 | |
| California Eastern Laboratories Inc | Ath Jule Stephens | 4590 Patrick Henry Dr | | Santa | Santa Clara | Τ | |
| Callahan Motion Control Inc | | PO Box 138 | | Darke | Darlen Center, | | 3 |
| College Industries Inc. the Manifest Convete Company | Wiedman Vazzana Corcoran & Volta | 0 to 1 to | , | salashao | 1 | | |
| Calsonic Kansel Corporation | | Boult Cummings Conners & Berry Pl C | 1600 Division St Ste 700 | * Ender | com. | TN 37203 | |
| Calsource Inc | | 1005 W Fayette St | | Syrac | use, | | |
| Calvary Industries Inc | c o Richard L Ferres | Taft/Stettinfus & Holfister LLP | 425 Walnut St Ste 1800 | Cincinnati | nnatí, | OH 45202 | |
| Cambron Engineering inc | | 3800 Wilder Rd | | Bay City. | ,Ajc, | Mi 49706 | |
| Cameron & Barkley Co | | PO 80x 932297 | | Atlanta | (B) | | |
| Campbell Scientific for | | PC Box 10900 | | alaysunti | svale, | 1 | |
| Can Am Tube Tech Inc | | 1086 Brotoview Ne | | A CONTRACTOR OF THE PROPERTY O | d Panisk | MI 49505-3402 | |
| Cannon IV Inc | Cannon IV Inc | 950 Dorman St | | aciac | Indianapolis. | | |
| Cannon IV inc | ŀ | 950 Dorman St | | Indian | Indianapolis, | Γ | |
| Canon Business Solutions East | Canon Business Solutions East | 1250 Valley Brook Ave | | Lyndhurst | hurst, | | |
| Canon Financial Services Inc | | PO Box 4004 | | Carol | Carol Stream, | IL 60197-4004 | |
| Canon USA Inc | Attn Stever Becker Esq | One Canon Plz | | Lake | Success, | | |
| Canon USA Inc | Atm Steve Becker | 1 Canon Mz | | Lake | Lake Success, | I | |
| Canteen Co Of No 16x45 Inc En | | 4426 Bonny Ur | | WICH | Wichita Falis, | 7000 | |
| Canter Richard And Louenna | c/o Landin Geome Butherford & Sines | linda Gaorda Esci | 156 Fast Market St | Ste 600 | Indianapolis. | IN 46204 | |
| Cantoola Inc | | 1408 5th Ave Se Ste 1 | | | fur, | AL 35601 | |
| Cap Collet & Tool Company Inc | | 4082 6th St | | Wyan | Wyandotte, | | |
| Capital Die & Mig Co | | 10150 Capital | , | Oak F | Oak Pk, | IMI 48237 | |
| | | One University Ptz Ste 312 | | Hacke | ensack, | | |
| | Capital Markets | One University Ptz Ste 312 | | Hacke | ensack, | N. 07801 | |
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| Capital Markets as assignee of | | One University Plaza Ste 312 | | Hacke | Hackensack, | N. 07601 | • |
| Capital Refrigeration & Ac Capital Environmental Inc | | 683 £ 200th St | | Cleveland | sland, | | |
| Capsonic Automotive Inc | | 460 S Second St | | Elgin, | | IL 60123 | |
| Carples Propes inc | Atta Day Dieda | 1540 Kesearon Park Ur | | Earniste Earniste | Adla | | |
| Carclo Technical Plastics | 5 | 800 Depot St | | Latrobe | De. | l | |
| Cardinal Health | | One Butterfield Trial | | IEI Paso | | TX 79912 | |
| Cardinal Law Group Ltd | | 1603 Orrington Ave Ste 2000 | | Evans | ston, | | |
| Caretools inc | | 9701 Wishine Blvd 10th FI | | Bevel | Beverly Hills, | | |
| Carlisle Engineered Products Inc | Steven J Ford Esq | Carliste Companies Incorporated | 250 S Clinton St Ste 201 | Syracuse | nse. | | |
| Carlson Dimond & Wright Inc | Verna Johnson | 2338 Morrissey | | Warren | en, | WI 48091 | |
| Cariyle Johnson Machine Co Lic | | 291 Boston Tumpike | PO Box 9546 | Botton, | n, | | |
| Of Learning Confident months of the Co | Carlyle Johnson Machine Company | Obs Boston Tremble | | Retton | | CT OBO43 | |
| Corner Mandata | 217 | 2645 Fact 112 St | L C EGY SOLD | Cleveland | aland. | | |
| Camey Brad | | 1808 Buick Ln | | Kokomo, | mo, | IIN 48902 | |
| Carole W Killalea | | 17 Deercrest Square | | Indian | Indian Head Pk, | П | |
| Carolina Commercial Heat Treating Inc | | 105 W Sanderfer Rd | | Athens, | 18, | | |
| Carolyn M Seracka | | 1208 Sunnyfield Ln | | Scote | Scotch Plains, | İ | |
| Carrier Corp | Attn Joyce Kuppel | PO Box 4806 Bing TR S | | Syrac | Nuse, | 13221 | |
| Cascade Die Casung Group | | 7441 S DWISION AVE SIE AT | | Ties of | d Replus, | ļ | |
| Cascade Frompacing Group Inc | | PO Box 888405 | | Grand | Grand Rapids. | MI 49588 | |
| Casco Products Conoration | Mr John Spratta VP Global Finance | One Waterview Dr | | Shell | e, | | |
| Catton Lio | | Dept CH17520 | | Palen | ntine. | | |
| Catoosa Auto Repair Inc | | 1104 W Elm | | Catoosa | 058, | | |
| Caloosa Flowers | | 803 S Cherokee | PO Box 726 | Catoosa | osa, | OK 74015 | |
| Caushan Lindsey | | 1160 Harborview Rd | | Oame | James Island, | | |
| Cavallero Plastics Inc | ath Iom Enmann | DO Box 4407 | | Cans | Carol Sinsm | 11 60197-4307 | |
| Ore America Inc | | 48 Weston St | | Waitham | nam. | İ | |
| Cdm International Ltd | | 407 N Jackson St | | Jackson | son, | П | |
| | co Receivables Management Services | _ | | | | | |
| CDW Computer Centers Inc | RMS | PO Box 5126 | | Timonium | nlum, | MD 21094 | |
| | | | | | | | |

| CreditorName | CreditorNoticeName | Address1 | Address2 | Address3 | City | State 2 | Zip Country |
|--|--|--------------------------------|-----------------------------|---------------------|-------------------|----------|-------------|
| Dewitt Ross & Stevens Sc | Atty Stephen A Ditullio | 2 E Mifflin St Ste 600 | | | Madison, | | 03 |
| Dexport Tool Mfg & Sierra Liquidity Fund | Sierra Liquidity Fund | 2699 White Rd Ste 255 | | | Irvine, | | 92614 |
| Dgs Inc | | Oba Dayton General Systems Inc | 2492 Technical Dr | | Miamisburg, | но | 45342 |
| Un instruments inc | | 4765 E Beautiful Ln | | | Phoenix, | | 85044-5318 |
| Dhi Worldwide Express | | PO Box 78016 | | | Phoenix, | | 85062-8016 |
| Diagraph MSP | Diagraph MSP | 5307 Meadowland Pkwy | | | Marion, | | 52959 |
| Diamond Cleaners | | 2147 S Saginaw St | | | Flint, | | 48503 |
| Diskering Thomas Salutions Inc. | | 100 Wookland Tree | | | Cortland, | H | 44410 |
| Dickey & Con Machine & Tool Co | Don Dickon | 5250 Galaxie Dr | | | Jackson, | | 39206 |
| Dickman Sunniv Inc | Dee Dickey
Dickman Supply Inc | PO Box 569 | | | indianapolis, | ı | 46222 |
| Die Cut Technologies | Ciconian Cappy inc | PO Box 30750 | | | Soft Lots Oit. | | 40300-U008 |
| Diebot International Inc | | Dado | 43850 Divinouth Oaks Blid | | Directly, | | 46470 |
| Diehl Steel | | BO Box 17010 | | | Circipanti | 200 | 460170 |
| Dielectric Laboratories | | PO Box 6660 | | | New York | Ī | 45217 |
| Dierker & Associates Pc | | 3331 W Big Beaver Rd Ste 109 | | | Trov | | 48084-2813 |
| Digex Inc | | One Digex Plaza | | | Beltsville | CM | 20705 |
| Dimaio Anthony | | 6 Hermon Ave | | | Haverhill | | 01832 |
| Dintek Co | | 266 S Festival Dr | | | El Paso. | | 79912 |
| Dionex Corporation | | 501 Mercury Dr | PO Box 3603 | | Sunnyvale, | 8 | 94088-3603 |
| Direct Line Products | | 427 West Pike St | PO Box 590 | | Jackson Ctr, | | 45334 |
| Direct Sourcing Solutions Inc | | Dssi | 9300 Shelbyville Rd Ste 402 | | Louisville, | | 40222 |
| Directed Light Inc Eft | | 633 River Oaks Pkwy | | | San Jose, | <u>₹</u> | 95134 |
| Director Department | Office of the Illinois State Treasurer | 1 West Old State Capitol Plaza | | | Springfield, | | 62701 |
| Directv | | PO Box 60036 | | | Los Angeles, | | 90060-0036 |
| Diece U. Tee America Inc. | Fig. 10 | PO Box 100746 | | | Pasadena, | | 91189-0746 |
| Distillate Company | DISCO III I GC AIRGUCA INC | 527U SCOII BIVG | | | Santa Clara, | | 95054-3011 |
| Dival Safety Equipment | Dival Safety Equipment | 1721 Niggers St | | | Cleveland, | 5 2 | 44101-5845 |
| Diversey Corp | Attn Diane Taylor | Johnson Diversey Inc | Dubois Chemicals Div | 200 Crowne Point PI | Sharonville | | 45241 |
| Diversified Plastics Corp | | PO Box 398 | | | Nixa. | Ì | 65714 |
| Dixie Container Corporation | Packaging Credit Company LLC | attn Karen McGill | 900 E Diehl Rd Ste 131 | | Naperville, | | 60563 |
| Dixon & Ryan Corp | | 4343 Normandy Court | | | Royal Oak, | | 48073-2266 |
| K Systems | Tony | 9555 S Howell Ave | | | Oak Creek, | | 53154 |
| Uln Industries Inc | | 2422 Leo Ave Southwest | | | Canton, | | 44706 |
| Dinavital | Accounts Describio | PO Box busu | | | Canton, | P 6 | 44706 |
| Dine Company | Occounts Fayable | 20111 Stanhanson Line | | | Modaine, | | 40469 |
| Dohmeier Janitor Supply Inc | | 254 Englettood Aug | | | Madison reignis, | | 44000 |
| Docustore Inc | | 6620 Lonvo St | | | Dearborn | N | 48126 |
| | Wiedman Vazzana Corcoran & Volta | | | | | | |
| Dolomite Products Company Inc | 26 | 5 S Fitzhugh St | | | Rochester, | | 14614 |
| Don Phillips & Associates Inc | Don Phillips & Associates Inc | 3101 West Tech Road | | | Miamisburg, | НО | 45349 |
| Donalden Commenting | | 4//1 N Graham Kd | | | Freeland, | | 48623 |
| Donaldson Company Inc | Volerie A Hamilton Den and Simon | 1400 W 94th St | | | Bloomington, | | 55431-2301 |
| Doosan Infracore America Corp | | Sills Cummis Epstein & Gross | 650 College Rd E | | Princeton | | 08540 |
| Dorner Mfg Corp | | 975 Cottonwood Ave | | | Hartland, | | 53029-0020 |
| Dorner Mfg Corp | | 975 Cottonwood Ave | | | Hartland, | | 53029-0020 |
| Dorner Mfg Corp | | 975 Cottonwood Ave | | | Hartland, | | 53029-0020 |
| Dott Industries inc | Ryan D Heilman Esq | 40950 Woodward Ave Ste 100 | | | Bloomfield Hills, | | 48304 |
| Double D Logistics | | PO Box 951152 | | | Cleveland, | | 44193 |
| Double R Grease Service | | 1910 Waurika Fwy | | | Wichita Falls, | × | 76303 |
| Doug Brown Packaging Products Inc | | 4223 Edgeland | | | Daylon, | | 15342 |
| Doug Nork Photography Inc | | PO Box 543 | | | Northville | 2 2 | 48167 |
| | Doug Wirt Enterprises Inc dba Wirt | | | | | | |
| Doug vvir Enterprises Inc dba Vvir Saginaw Stone Dock Saginaw Stone Dock | lock Saginaw Stone Dock | 4700 Crow Island | | | Saginaw, | | 48601 |
| Dover Chemical Com De Mille Chemical Co | | 723 Sabrina Ur | | | East Peona, | | 61611 |
| Dow Corning Corp | Attn Tammy Grove CO1222 | 2200 W Salzburg Rd | | | | | 48686 |
| Dow Corning Corporation | Attn Tammy Grove CO1222 | 2200 W Salzburg Rd | | | | × | 48686 |
| Dow Corning Corporation | Attn Tammy Grove CO1222 | 2200 W Salzburg Rd | | | | | 48686 |
| Downers Grove Sanitary Dist II | | 2710 Curtiss St | PO Box 1412 | | Downers Grove, | | 60515-0703 |
| townstream Technologies | | 563 Main St | | | | | 01740 |
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Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

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| Emily Tost Co Custodian | o Dariania Tanas | 11152 VESUIBITIES AU NO 180 | | Houston, | 1X //042 | 22.5 |
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| Figure 1 Consideration | Co Denamin tarver | 11152 Westnerner Kd No 796 | | Houston, | TX 770 | 2 |
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| Equity Trust Co Custodian | co Benjamin Tarver | 11152 Westheimer Rd No 796 | | Houston | TY 770 | |
| -outh Trust Co Custodian | on Benjamin Tener | 41450 Washalmar Del Ma 700 | | | 1 | - |
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| are trauper. | Eric Haupert | 1107 SING JRY LIT | | Greentown, | 1 | 9 |
| ene Chry Water Authority | | PO Box 5148 | 350 Elicott Sq Bi | Buffalo, | | 10-5148 |
| Erie Industrial Supply Co | | 831 Greengarden Rd | | Erie, | | 11-1626 |
| Erieview Metal Treating | | PO Box 74151 | | Cleveland. | l | 14 |
| Erlsa Industry Committee | | 1400 L St Nw Ste 350 | | Weshington | l | . 6058-3509 |
| Emest C Wiles and June E | | Wiles J. Ten | 218 State Route 339 | Verlandos | | 7 |
| Emst Fluid Down Co. Inc. | | 2015 16400 04 | 700 Day 42007 | Control | ۱ | 15440 6067 |
| Emel John C. & Collect | | SOLD WYSE NO | LO DOX 1950) | Layon, | | 3-0207 |
| That court C & Co line | | 10 and 17 | | Sparta | 1 | |
| Esa Laboratories inc | | PO Box 845670 | | Baston, | | 02284-5670 |
| Estco Enterprises Inc | | 1549 Simpson Way | | Escondido, | | 82029-1203 |
| Estes Express Lines | | PO Box 25612 | | Richmond, | | 10-5612 |
| Estharlee Fence Co Inc | | 11329 S Ave Ext | | North Lima. | l | 44452 |
| Etamic Corporation and Sierra Liquidity Fund | Sierra Liquidity Fund | 2699 White Rd Ste 255 | | livine. | CA 92614 | 4 |
| Etas Inc | Atto Joe Zurawski | 3021 Miller Red | | Ann Arbor | Ī | 9 |
| Biss Inc. | Atta Ice Zurmuski | 2004 Miller Da | | Ann Adam | T | 2 |
| Elea Inc | Atta les Zumeni | PO - 787 1 200 | | Ani Cibol | I | 2 |
| Ch. Janes | All the Author | SOL MIRE AS | | Allu Albor, | | 2 |
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| Eva Ortik | | Fve Odiv | 14102 Warhler Way N | Carmel | IN | |
| Evox Rifs Inc | Henry Ishii | 1840 Northwind Rhyd | 1 top 102 | Therhoolie | 111 90048 | |
| Wald Abby | | 3131 Cass City Rd | | Unlanvilla | | |
| Ex Cell O Machine Tools Inc | | PO 8ex 67000 Dept 102901 | | Detroit, | MI 482 | 48267-1029 |
| Excel Automation | Excel Automation | 9471 Greystone Pkwy | | Brecksville, | | == |
| Excel Health Enterprises Inc | | 4018 Columbus Ave | | Anderson, | IIN 46013 | |
| Excel Partnership Inc | | 75 Glen Rd Ste 200 | | Sandy Hook, | | 12 |
| Excel Technical Services Inc | | PMB 141 | 7111 Dixie Hwy | Clarkston, | | 48346-2077 |
| Excelloy industries inc | | 608 E McMurray Rd Ste B3 | | McMurray, | | 7 |
| Exemplar Manufacturing Co | | PO Box 67000 Dept 76201 | | Detroit, | | 17-0762 |
| Exito Manufacturing LLC | | 3829 Pulo Trace Ct | | Bellbrook, | | 45305 |
| Exporte Systems | | 149 Delta Dr | | Pittsburgh, | | 81 |
| Exopack Lic | | 4843 Collections Ctr Dr | | Chicago, | _ | 81 |
| Expedient Heat Treating Corp | | 42 S Niagara Si | | Lockpart, | | ¥ |
| Express Tool & Die Co Eft | | 14901 Wahrman Rd | | Romulus, | Г | 4 |
| Externo Past Control Serv | | 8255 Al Hwy 9 N | | Cedar Bluff. | | 8 |
| Extreme Machine Inc | | 10034 Industrial Dr | | Whitmore Lake. | | 0. |
| Extrude Hone Com | | Themoburt Michigan West | 2882 N Ridge Dr | Walker. | Γ | 4 |
| To G Mutt Sade inc | Attn Ed Scharrer | 130 Industrial Dr | | Franklin. | | 5 |
| F & G Tool & Die Co loc | | PO Rox 321 | | West Camulton | ١ | 6 |
| S Carlon Co | | 5265 Kellom Woods Dr | | Grand Rapids | 1 | |
| and k Delvotec Inc | Customer Service | 27182 Burbank | | Foothill Ranch. | | 0 |
| - B Wright Co | | PO 80x 770 | | Dearborn. | l | _ |
| a Tech Com | | 9065 Sutton Pl | | Катарол | | 45011-9316 |
| actory intellaence Network Lic | | 423 Commerce Ln Ste 6 | | West Berlin. | | |
| Fair Harbor Caoltel LLC | Fair Harbor Capital LLC | 875 Ave of the Americas Ste 2305 | | New York, | | <u></u> |
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| Feir Harbor Capital LLC | Fair Harbor Capital LLC | 875 Ave of the Americas Ste 2305 | | New York, | NY 10001 | = |
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| Fair Harbor Capital L.C. | Fair Harbor Capital LLC | 875 Ave of the Americas Ste 2305 | | New York, | NY 1000 | _ |
| Feir Harbor Capital LLC | Fair Harbor Capital LLC | 875 Ave of the Americas Sta 2305 | | New York. | Ī | - |
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53046 60693 68103-1128 45839 49337 46036 39440 Salt Lake City, Newaygo, Singham Farm C O SENSATA TECHNOLOGIES 529 PLEASANT ST INC 4 Layang Industrial Estate 99 S Main 12th Fir 16183 E Main St 2000 Park Ln Address2 PO Box 228 PO Box 494 CONTROL DEVICES INC AND FIRST INERTROL DEVICES INC AND FIRST INERTROL SWITCH 335 Ghent Rd 7216 Contracted Dr 10 12 Logarg Way The Table Studenter Dr 10 12 Logarg Way 19 Each Androl Device 10 15 Abbrevium Dr Se 2714 Wilsten Studenter Dr 11 15 Students May 1150 Stephenson Hwy 1150 Stephenson Hwy 300 Purtian Way F70 Leo St F70 Le 30150 Telegraph Rd Ste 444 9012 W Kentucky Ave PO Box Drawer F PO Box Drawer F 2315 W Appleword Ln 7113 S Mayflower Park D 8601 Oak Blyd Mevar Eden Div 1104 Flex Dr PO Box 450 PO Box 450 PO Box 1850 1104 Flex Dr 1104 Flex Dr 1104 Flex Dr 1104 Flex Dr 1104 Flex Dr 1104 Flex Dr 1104 Flex Dr 1104 Flex Dr 1105 Box 1850 275 Albar Red 1105 Box 1850 11138 Allantic Blyd 11138 Allantic Blyd 11138 Allantic Blyd 11138 Allantic Blyd 1114 Blyd Lyd Hamilton Ave 1609 White Rd 18255 Mac U1228 120 8147 Islandview Dr Michael E Farrer 1515 Jefferson St Safety Instrumentation inc dba Fite Fir § Safety Ath Barbara Koerber MS 258C Fluxtrol Inc fes Scales & Systems Inc Sierra Liquidity Fund LLC THOMAS SKIBINSKI Bankrupky Analyst Kevin Johnson Valco Cincinnati Inc Hower City Comm Ken Haverty Fey Industries Inc Brent Robinson Sary Barnes Ferguson Enterprises Inc Fernandez, Rading LLC Fer Engineating he Fey Inclusivities he das Blackboum Media Packaging Flarm Technologies in Franciscom Frideling Investments institutional Operations Company IRST TECHNOLOGY HOLDINGS INC AND FFILATES AND SUBSIDARIES AND CONTROL EVICES INC AND FIRST INERTIA SWITCH LIMITED INCHIEGORY SOLUTIONS CON INCHIEGORY SOLUTIONS CON ing Services Inc - Corporation nds Regional Medical Cir Main Campus one C. & F tenedram Capital Mg Grp Wells Fargo Corp Tr First Formers Bank & Trust Co First Intermed Corporation Des Mea Medical Chrises First Technology Holdings Inc and Affiliates and Subsidiaries File Fire & Safety Firegreat Water Light & Bond Firegreat Water Light & Bond Flambeau (no. Fleischman Jihn J Fleischman Advertising Fleischman Jihn J Fleischman Advertising Fleis Pacin Febricas Flex Technologies inc Flex irst Choice Healing & Cooling Inc

Delphi Corporation Class C General Unsecured Claims Class 1C Ballot Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

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Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

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Dayton, Willoughby, Farmington, Salem, Cincinnati, Hersey City, dersey 25 Walnut Street Ste 1800 30 Hudson 17th Fi Delphi Corporation Class C General Unsecured Claims Class 1C Ballot 2717 Andrew Ave 3341 Successful Way 3341 Successful Way 9824 Kitty Ln Coolige Wall Co LPA 4822 E 355th St PO Box 563 12b Manor Pkwy Sie 3 12b Manor Pkwy Sie 3 12b Stetnius & Hollister LLP Paige Leigh Ellerman Esq co Ronald S Pretekin Gustavo Larraga John Welsh Gan Associates Gan Associates Gan Industries LLC disa Production Screw Machine Gan Into Eff Gand Dic Into God S Bible School And College God S Bible School And College God S Bible School And College God S Bible School And College God S Bible School And College God S Bible School And College God S Bible School And College Services Into God S Bible School And College Soldman Sachs Credit Partners LP Goldman Sachs Credit Partners LP

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| CreditorName | CreditorNoticeName | Address1 | Address2 | Address3 | City | e | | Country |
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| Heurit Accordate 11c | | 4722a Interstate Dr | | | Cincinnati, | ᆼ. | 45246 | |
| Hewatt Tool & Die Inc | | PO BOX 95135 | | | Chicago, | | 60694-5135 | |
| Hewlett Packard Company | Attn K Higman | 2125 E Katella Ave Ste 400 | | | Oakrord, | 2 2 | 46965-0047 | |
| Hewlett Packard Financial Services Company fka | | 200 200 200 200 200 200 200 200 200 200 | | | Ottorically, | | 92900 | |
| Compaq Financial Services Corporation | Attn Americas Recovery Leader | 420 Mountain Ave | | | Murray Hill, | 3 | 07974-0006 | |
| Hi Lex Corp | | PO Box 77000 Dept 77233 | | | Detroit, | | 48277-0233 | |
| Hi Tech Steel Treating Inc | | 2720 Roberts St | | | Saginaw, | ₹ | 48601 | |
| Hibbitt Karlsson & Sorensen Inc Michigan | | 14500 Sheldon Rd Ste 160 | | | Plymouth, | | 48170-2440 | |
| Hiden Analytical Inc | | 75 Hancock Rd | | | Peterborough, | | 03458 | |
| High 1 ech Systems & Equipment Inc | | 7950 Morgan Rd | | | Cleves, | 동 | 45002 | |
| Tign Voltage maintenance Corp | | 12001 Lechnology Drive A803 | | | Eden Prairie, | | 55344 | |
| Ligher Ground Printer Services | | 1681 Sweet Kd | | | East Aurora, | 1 | 14052 | |
| Hilf Inc | 72, 2, 1 | PO Box 1/2920 | | | l ampa, | 1 | 33602 | |
| Limmeletein C 9 Co | THE INC | PO BOX 21146 | | - | i ulsa, | ð. | 74121 | |
| Hintie Ma Inc Et | | 2490 Pembroke Ave | | | Hoffman Estates, | _ | 60195 | |
| Linco Inc | Attached 10 to the control | PO BOX 602 10 | | | Kosstora, | 5 | 43460 | |
| Hischi Chemical Singanore Die 1 of the Hitachi | Aun Gaylord P Vyniting | oppo Concord Park Ur | | | Houston, | × | 77040 | |
| Chemical Asia Pacific Pte 1 td | Attn Menachem O Zelmanovitz Esc | co Morgan Lawie & Bocking 11D | 101 Bork Ave | | 1 c c c c c c c c c c c c c c c c c c c | 2 | 10470 | |
| Hitachi Metals America Ltd | | 2 Manhattanville Rd Ste 301 | 200 | | Dimbsea | N A | 10577 | |
| Hitachi Metals America Ltd | | 2 Manhattanville Rd Ste 301 | | | Purchase | 2 | 10577 | |
| Hitek Power Corporation | | 10221 Buena Vista Ave | | | Santee | 2 | 92071 | |
| Hitemco | | 160 Sweet Hollow Rd | | | Old Bethpage. | ķ | 11804 | |
| Hittle Machine & Tool Co | | 2122 Dr Martin Luther King Jr | | | Indianapolis, | Z | 46202 | |
| Hk Systems Inc | | 2855 S James Dr | | | New Berlin, | × | 53151 | |
| Hm Royal Incorporated | | PO Box 28 | | | Trenton, | 2 | 08601 | |
| Hobart Brothers Co | | Itw Hobart Brothers Co | 400 Trade Sq E | | Troy, | ᆼ | 45373 | |
| E CO Trackor | A division of ITW Ford Equipment | 70#: | 704 C Did 20 A C C | | į | - | 70007 | |
| Hobart Sales and Service | Dan | 183 Industrial Diam | and again a con | | Mondold | 5 3 | 45574-0001 | |
| Hoff & Associates Inc | | 45211 Helm St | | | Plymouth | 2 | 48170 | |
| Hoist & Crane Service Corp & Sierra Liquidity Fund | Sierra Liquidity Fund | 2699 White Rd Ste 255 | | | Ivine, | ర | 92614 | |
| Holiday Inn Hotels & Suites | | 2455 Dryden Rd | | | Moraine, | НО | 45439 | |
| Holkenborg Equipment Co | Gene Parts | 9513 Us 250n | | | Milan, | | 44846 | |
| Holland Special Delivery | | 3068 Highland Dr | | | Hudsonville, | W | 49426 | |
| Hollingsworth Limber | Docin | 6810 Moet 400 South | | | East walpote, | | 02032-100 | |
| Holm Industries Inc | | 12459 Collections Ctr Dr | | | Chicago | Ì | 60603 | |
| Holt Company Of Ohio Inc | Ohio Cat | 3993 E Royalton Rd | | | Broadview Hts. | 된 | 44147 | |
| Holt Electric Company | Holt Electric Company | 135 S LaSalle Dept 3866 | | | Chicago, | | 60674-3866 | |
| Home Office Enterprises Inc | | 2306 Hess | | | Saginaw, | Ξ | 48601 | |
| Honeywell International Aerospace | Deb Mains | 1140 W Warner Rd Bldg 1233 M | | | Тетре, | | 85284 | |
| Honeywell International HPS | Deb Mains | 1140 W Warner Rd Bldg 1233-M | | | Tempe, | ΑZ | 85284 | |
| Hopewell international Inc | Debbie Jackson Associate Accounting | Ace Cash Services | 1985 Douglas Dr N Mp10 2517 | | Colden Valley | Z | 55.422 | |
| Honeywell International S & C | Deb Mains | 1 | | | Tempe | A7 | 85284 | |
| Honigman Miller Schwartz and Cohn LLP | Judy B Calton | 660 Woodward Ave Ste 2290 | | | Detroit, | ĮΣ | 48226 | |
| Hood Guys Inc | Frank Terranova | PO Box 473 | | | Getzville, | | 14068 | |
| Hoover Machine Inc Ta | Cust Service | 3567 Frederick Gingham Rd. | 10000 | | Tipp City, | 공: | 45371 | |
| Hodon Bay Controls Inc | | 2005 Brighton Hennetta II Kd | PO Box 9236/ | | Rochester, | l | 14692-0203 | |
| Hoskins Manufacturing Co | Accounte Beceivable | 10776 Hall Da | DO Box 318 | | Swartz Creek, | | 484/3 | |
| Hottinger Baldwin Measurements Inc. | | 10 Ranier Ot | 212 213 | | Mariboro | | 40139-0210 | |
| Hottinger Baldwin Measurements Inc | | PO Box 33166 | | | Newark. | Ž | 07188-0166 | |
| Hover Davis Inc | | 100 Paragon Dr | | | Rochester, | | 14624 | |
| Howard County Partners In Education | | C/o Indiana University Kokomo | PO Box 9003 | | Kokomo, | | 46904 | |
| Hoyt Arthur And Vivian | ර Laudig George Rutherford & Sipes | | 156 East Market St | Ste 600 | Indianapolis, | Z | 46204 | |
| Hozers Hearing Healthcare | | 2135 Brenner St | | | Saginaw, | M | 48602 | |
| Hp | | 20555 Sh 249 | Mc 110221 | | Houston, | × | 77070 | |
| He I showledge | | PO Box 68310 | | | Indianapolis, | 2 6 | 46268 | |
| His Global Sarvices Inc | | 3270 W Rid Resiver Bri | | | Mailou, | 5 3 | 90209 | |
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Delphi Corporation . Class C General Unsecured (Class 1C Ballot

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| IUE CWA for Itself and its Affiliated Local Unions et al | Thomas M Kennecy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University PI | Z | New York, | Ž | 10003 |
| IUE CWA for Itself and its Affiliated Local Unions et al | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University PI | Z | New York, | ž | 10003 |
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| Ivan Doverspike Co | Judith Rusnack | 9501 Conner | | J . | Detroit, | | 48213 |
| Ivy rech Community College of Indiana | | 4301 S COWAN KG
120 Redford CW Rd Ste 102 | | u | Muncie,
Bedford | T | 94/302 |
| J Com E D I Services | | SIB PO 31060 | | | Tucson, | Ą | 85751 |
| J H Bennett and Co Inc | J H Bennett and Co Inc | PO Box 8028 | 22975 Venture Dr | 4 | Novi, | | 48376 |
| J M Test Systems Inc | | PO Box 45489 | | 3 | Baton Rough, | | 70895 |
| J Pac Expedient | | 3053 S Bucking Kd | | 2 | Ring Of Prussia,
Brownsville. | | 78626 |
| J V Products Co | | 926 Karr Rd | | 4 | Arcanum, | l | 45304 |
| Ja Quality Assurance Group Eft | | PO Box 9603 | Springwells Ave | 2 | Detroit, | ¥ | 48209 |
| Jabil Circuit inc | | Alejandro Dumas 11341 | | 9 | Chihushua, | | 31109 |
| Jack Ka Catering Inc | | 1001 Industrial Park Dr | | | inton, | SE | 38028 |
| Jack L Moling Executor Estate of Hazel Doris Charles | | | | | | | |
| and Administrator Estate of Lawrence Charles | Law Office of Lenore C Garon | 2412 Fails Place Court | | | raus Church, | T | 22302 |
| Jackson Blue Print & Supply | | 121 E Pearl St | PO Box 182 | | Jackson, | S¥. | 39205 |
| Jackson Hirsh Inc | | 700 Anthony Trail | | 4 | Northbrook, | | 60062 |
| Jacobs Industries Inc | | PO Box 67000 Dept 275801 | | 3) | Detroif, | ĮΝ | 48267-2758 |
| Jacobson Mig LLC | William S Hackney | Much Shelist | 191 N Wacker Dr Ste 1800 | | Chicago, | 2 2 | 14606 |
| Jacks Finishmen & Minel In | | Fleet Back Building | Twelve Fountain Plaza | | Suffato. | ž | 14202-2292 |
| Jamek Fabrication Inc Eft | | PO Box 619135 | | 7 | Datias, | | 75261-8135 |
| Jameco Electronics | | 1355 Shoreway Rd | | 3 | Belmont, | გ: | 84002 |
| James Adcock | | 270 Lenoy Hill Rd | | -1 | Laurel, | | 38443 |
| James J Kaled Trustee Uw | | Josiah W Brown | Box 132 | | Usapse, | 1 | 44062 |
| James R Truett Jr | | 9317 Moss Trail | | | Dallas, | | 75231-1409 |
| Jamestown Container Corp | | Specially Products Div | 2345 Walden Ave | <u>ш</u> | Buffalo, | $\ $ | 14225 |
| Jamestown Meraine Inc | | 2290 Arbor Blvd | | 1 | doraine, | | 45439 |
| Jamestown Moraine Inc | | 2290 Arbor Blvd | | | Moraine, | | 45439 |
| Jamestown Moraine Inc | | 2250 Artor Divi | | | Moserre, | | 45439 |
| Jamestown Paint & Variath Eft Co | | 108 Main St | | | Jamestown, | | 16134 |
| Jameslown Plastics Inc | | 8806 Highland Ave | | 1 | Brocton, | | 14718 |
| Jamestown Plastics Inc | | 8806 Highland Ave | PO Box U | a., | Srocton, | | 14716-0680 |
| Jamison Bernard E | Verse leading | 894 Shadow Lakes | | | Lindonia,
Davidon | ₹ | 30038-3228 |
| Jano Myungoan | | 2337 Malard Ln Apt 1 | | | Jeavercreek, | | 45431 |
| Jansson A Ainc | | 2070 Airport Rd | | 2 | Waterford, | | 48327-1204 |
| Jasper Rubber Prockcts | | PO Box 660233 | | 7 | ndianapolis, | 1 | 46266-0233 |
| Jastech Emc Consuling Lic | | PO Box 3332 | | | Family on Files, | 200 | 72745 |
| UB Hunt Transportation Inc | Atm Shelly Allen | PO 60X 130 | | | Lowell,
Ruffalo | ł | 14225 |
| Jac Logistics Inc | | 9809 S Franklin Dr | | | Franklin, | M | 53132 |
| Jasnne Sagges | | 411 W Conesioga Rd Apt 15 | | 1 | Devon, | | 19333 |
| Jefferson Wells | | 200 S Exective Dr Ste 400 | | | 3rookfield, | | 53005 |
| Jennifer T Asherbranner and Ronald R Asherbranner | co Travis W Hardwick Esq | PO Box 968 | | | Decatur, | 4 | 35802 |
| Janopik Laser Technologies | O and Cabinothia hand | SUZO Kensington Ct | 16th El 20 N Orange Ave | PO Roy 4979 | Drianda | | 32802 |
| Jesop Products Company Inc. | | 6592 Arrow Dr | PAY PAIR ON OZ . I CHOI | | Steding Heights, | | 48314 |
| Jeswani Builders Inc | | 1613 Via Appla Si | | | EL Paso, | × | 79912 |
| Jevic Transportation & Sierra Liquidity Fund | Slerra Liquidity Fund | 2699 White Road Ste 255 | | | rvine, | , , | 92614 |

| Menter Automotive Inc. | | 2135 W Marde Rd | | 1 | 2 | | |
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| ferril Comunications | Merrill Comunications | CM 9638 | | Sit | St Paul, | MN 55170-8638 | |
| lemii Lynch Credit Products LLC | Gary S Cohen & Chris Moon | 4 World Financial Center 7th FI | | ASK. | w York, | | |
| Mortli Tool & Machine Eff Inc | | PO Box 441066 | | Det | Detroit, | П | |
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| Merritt James And Bonnie | co Laudig George Rutherford & Sipes | Kalhleen A Musgrave Esq | 156 E Market St | Ste 600 | Indianapolis, | IIN 46204 | |
| Make 1 shorefortee inc | Detelrace | 12100 W 8% Ave | | AR I | Abayandue, | 1 | |
| leaser Greekeim Industries in M. C. Industries | | 515 F Eduar Dalle Bio 1 | | Ē | Linden | | - |
| let Life Ech Nhc Financial | | PO Box 5049 | | 200 | uthfield. | | |
| let Pro Comoration Duali Division | | PO Box 7777 W3525 | | E | ladelphia, | L | |
| Metal Cladding Inc | Atin Julia S Kreher Esa | Hodoson Russ LLP | One M&T Plz Ste 2000 | Jng
Bark | Buffalo, | NY 14203 | |
| Metal Cutting Corp | | 89 Commerce Rd | | Cec | Cedar Grove. | | |
| letal Improvement Co Inc | | Em Coating Services | 14830 23 Mile Rd | She | elby Township, | | |
| letel Mecanica Industrial Reyns Abundis Villa | | 7107 N Mesa St Ste 508 | | 93 | El Paso, | | |
| Metal Working Lubricants Co | | PO Box 214379 | | Aub | Aubum Hills, | M! 48321 | |
| Metalcut Tool Repair | Margaret Laparr | 962 Dimco Way | | (Day | ylon, | | |
| Metalforming Technologies Inc | | 980 N Michigan Ave | Ste 1900 | C | Chicago, | | |
| Meters & Controls Co Inc | Attn Raymond A Dietz | 9244 Compton Square Dr | | 동 | Cincinnati, | | |
| Metform Corp | | PO Box 98733 | | ਤੋਂ . | Chicago, | 11, 60693 | |
| Melform Inc | Ray Burbse skip | 467 F Wards Comer Rd | 000 | AOT G | Loveland, | ŀ | |
| Methods Machine Tools Inc | Methods Mechane Look Inc | 62 SA Marchants Bul | ro box sex | one
ei | Sucury, | | |
| delocate Corp | | DO DO 144 | | Har | Harleyeville | PA 19438 | |
| Metra Tool Co Fe | | 5975 Constant Rd | | Wa | Wavne. | Mi 48184 | |
| letro Bolt & Fastener Metro Bolt | | 19339 Glenmore | | teC. | Detroit, | | |
| Metro Trailer Leasing Inc | | 100 Metro Pkwy | | Pel | Pelham, | AL 35124 | |
| letrocai | | 890 E Heinberg St | | Per | nsacola, | | |
| Metrol Company Inc | | 7145 E Davison | | 200 | Detroit, | | |
| Metrologic Group Services Inc | | 24148 Research Dr | | Far | Farmington Hills, | MI 48335 | |
| Metropolitan Government of Nashville and Davidson | | Section of the sectio | | - N | alluda | TN 372014 | |
| Metropolian Life | Kim Lee | PO Box 5140 | | 10S | Southfield, | M) 48086-5140 | |
| ettler Toledo Inc | | 22670 Network PI | | ້ອ | Chicago, | | |
| Meunier Electronic Supply Inc | | 3409 E Washington St | | | tanapolis, | 1 | |
| exican American Products Ltd Map Ltd | | 40 Silverdome Industrial Pk | | Por | Pontec. | İ | |
| Mayer D E Co | | SOUS TIMIT AVE | | Jac. | Decatir | | |
| Mg Automaton and Controls | 1000 Or Lynn | DO BOY READ SARRE | | 5.5 | ladelohia. | PA 19178 | |
| Minimate North America | | 2505 International Place | | Var | Virginia Beach. | | |
| the Research Com | | 12780 Main Rd | | Akr | ron, | ١ | |
| los Manufacturing Inc | | PO Box 4269 | | Rot | me, | <u>י</u> | |
| lami Industrial Trucks Inc | | Aerial Equipment Of Ohio Div | 2830 E River Rd | (aC | Dayton, | OH 45439-1538 | |
| Mismi Valley Career Technology Center | | 6800 Hoke Rd | | S | Clayton, | OH 45315-9740 | |
| liba Sinter Spain SA | Kavanagh Maloney & Osnato LLP | 415 Madison Ave 18th Fl | | Nev | w York, | 1 | |
| Micco Modular Industrial Components | | 25831 Commerce Dr | | Ma | dison Height, | | |
| Ichael G Shaffer DBA Shaffer Environmental | Michael G Shaffer DBA Shaffer | | | | Venture | CA 93004 | |
| Consuming | Envaonmental Consuming | SOUND A 14th Ct | | ZIN | | | |
| Ichiana Delivery Solvices | | 5265 N Michigan Ste B | | Sak | Saginaw. | MI 48604 | 1111 |
| Michigan Arc Products | | 2040 Austin | | Tro | Tray, | | |
| Michigan Dept Of Agriculture | | Metrology Laboratory | 840 Venture Ln | MA | Williamston, | MI 48895 | |
| fichigan Dept Of Consumer & In | | Michigan Bureau Of Constrc Cod | 7150 Harris Dr | Lan | nsing. | | |
| Michigan Heritage Bank | Michigan Heritage Bank | 283400 Orchard Lake Rd | | Far | Farmington Hills, | | |
| fichigan Metrology | | | | 3 | ronia, | MI 48152 | |
| Michigan Molecular Institute | | | 1910 W St Andrews Rd | Mid | Midlend. | | |
| Hichigan Molecular Institute | | | 1910 W St Andraws Rd | 200 | Midland. | | |
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| Aichigan Molecular Institute | | | 1910 W St Attelliows Au | 100 | Port Human | MI 48080 | |
| Michigan Pelroleum : Bennologie | | 2285 S Michigan Rd | | Eat | Eaton Rapids, | | |
| Schload Soline Gase Co | | PO Box 69 | | T | Hazel Pk, | | |
| Michigan Spring & Stamping Eft | | 2700 Wickham Dr | | W. | iskegon, | MI 48441 | |
| Sichigan State University | Delinquent Rec Bankruptcies | 110 Administration Bidg | Michigan State University | Ea | East Lansing, | | |
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Delphi Corporation Class C General Unsecured Cl Class 1C Ballot

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| Months Internation inc | Blascher Brodey & Androws | MOTOR SALE LAY | TO DOX BOODS | Codiscaso | N 4626 | 20006 |
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| Marinardian I to Marinardian | | PO Box 1450 Nu 0277 | | Minneapolis | _ | |
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| Motorora Inc | | MICHELLE WIN & EMERY LLF | 77/ AV MORIDO SI | ,cmcago, | 11.000 | 1078 |
| Motorola Inc | Terres (Tager Credit | 1307 E Algonquin Ra SVVAZ | | Sinnimping | 9100 | 60106-1078 |
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| Motorola Labs | | 1301 E Algunquin Ra | Wis 102 2912 | (Singuinguinguinguinguinguinguinguinguingu | | 93050 |
| Mott Adult High School | David Beardslee | 2421 W Corunna Ro | | (FIIII), | MI 4050 | 40505 |
| Mott Community College | | Atin Cashiers Office | 1401 E Court St | IFIINT, | _ | |
| Mou John | | 611 H Braciora Circle | | ROXOTTO, | 1 | 70004 1448 |
| Mounce Green Myers San & Galatzan | | TOUR STRINGS STR TYCE | FO 60X 1977 | C 1 18/201 | Ť | 74100 0410 |
| Mouser Electronics Inc | Garage Address of Paris | PO BOX 88518 | | FOILVAILL | 7007 | 2000 |
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| es Eft | | 2200 E Pratt Blvd | | Elk Grove Vilage. | | 7 |
| Msc Liquid Filtration Corp | | 198 Freshwater BMd | | Enfield, | 1 | 06082 |
| Msc Software | | PO Box 408/34 | | Anama, | l | 10101 |
| Ms. Incking Inc | | 1118 riwy 64 East | | Mast Springfold | MA 0108 | 2.5100 |
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| incomes com inconversed by interpret to indiminities | Mironics com Inc | 325 Electronics Blvd Ste C | | Huntsville, | AL 35824 | 4 |
| Mubaa Inc | | 6800 Industrial Rd | | Fiorence, | | 2 |
| Mueller Industries Inc | Attn Credit Dept | 2199 Lapeer Ave | | Port Huron, | İ | 0 |
| Mularkey Associates Inc | Mullarkey Associates Inc | 12346 S Keeler Avo | | Alsip, | | 50803
10178 0061 |
| Multek Flexible Circuits inc et al | co Steven J Reisman Esq | Curis Mallet Prevost Colf & Moste LLP | 101 Park Ave | INGW TORK | | - DOM-O |
| Multi Plastics Inc | Louis J Stack Esquire | Shafer Law Firm | 360 Chestnut St | Alexandria. | | 0.0150 |
| Multi Tech Industries Inc | | PO Box 159 | 100 000 | Mandord, | | Acion |
| Multi Toal Inc | Louis J Stack Esq | Sharer Law Firm | Sed Chestrut St | Menovake, | ١ | |
| Murroase Inc | Attu I smitty Grove CO1222 | Designation of the Control of the Co | Erroy Global Fire Equipment | Dalatine. | | 5-4075 |
| Municipal Emergency Services I NC | | 1442 166st 7th St | The second secon | Piscataway | l | 4 |
| Musteren Capinas Can | C o Darmontar O Tools | 601 Terrana St | | Muskegon | | 3-0786 |
| Muskedon Casings Corp | co Parmenter O Toole | 601 Terrace St | | Muskegon, | Mi 4844 | 49443-0786 |
| Myr Service Inc | | PO Box 1041 | | Buñalo, | | 7-9041 |
| Mw Watermark Llc | Michael Gethin | 12764 Greenly | Ste 20 | Tolland | MI 49424 | * |
| Myran Corp | | PO Box 802616 | | Chkago. | IL 6068 | 60680-2616 |
| | o o theatists Grand Siferi & Milehald ! | | | Chicago | | 1-1262 |
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| N O Nester and policies | N. J. Matin & Associates LP | PO Box 797 | | Addison, | | 4 |
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| Nabco loc | | 660 Commerce Dr | | Reed City, | | 7 |
| Nabertherm Inc | | 54 Reads Way | | New Castle, | | 0-1649 |
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| Peak Technologies Inc | | PO Box 8500 S4955 | | α. | Philadelphia. | PA | 19178-4955 | |
| Pearson Conthia A | | 5306 Heatherton Dr | | E | Trotwood, | 동 | 45426 | |
| Pearson Education Inc | Pearson Business Services | Ath PE No 5221771 | 200 Old Tappan Rd | | Old Tappan, | 2 | 07675 | |
| Pedersen Keenen King Wachsberg & Andrzelek Pc | | 4057 Pioneer Dr Ste 300 | | 0 | commerce Township, | N | 48390-1363 | |
| Peerless Mili Supply Co Inc | | 79 Perry St | | | Buffalo, | ž | 14203-3037 | |
| Peerless Steel Company Inc | | 2450 Austin Ave | | _ | Troy. | ī | 48083-2030 | |
| Pearless Transportation Co Eft | | PO Box 1296 | | G I | D≇yton, | ᆼ | 45401 | |
| Pegasus Imaging Corporation | Kel Khammanivong | 4001 N Riverside Dr | 2000 | | ampa, | ď | 33603-3226 | |
| Peko Precision Products Inc | | 1400 Emerson St | | 2 | Rochester, | ž | 14506 | |
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| Penn Aluminum International Inc | | FagelHaber LLC | 55 E Monroe St | Aum Fir | nicago. | - | 2000 | |
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| Connectivants Electric Motor Condes Inc | | 2227 F 33rd St | | 3 | rie. | PA | 16510 | |
| Pennsylvania Electric Motel Service no | and the second s | 319 Thomson Park Dr | | 0 | Cranberry, | Δ | 16066 | |
| Pensi Cole General Bottlers Inc | | 75 Remittance Dr Ste 1884 | | | hicago, | Į. | 50675-1884 | |
| Peregrine Inc | | 5301 N 57th St Ste 102 | | | Uncoln, | NE | 88507-3150 | |
| Perez Rebecca C/o Delphi New Brunswich Plant | | Attn Jeffrey Oxx | 760 Jersey Ave | Z | Naw Brunswick, | 3 | 08803 | |
| Perfect Water Co Lic The | | 51410 Milano Dr Ste 110 | | 2 | Macomb, | ¥ | 48042 | |
| Perfection Products Inc | | 1320 S Indianapolis Ave | | 3 | Lebanon, | 롣. | 46052 | |
| Perfection Spring & Stamping Corp | Stephen R Epstein | 1449 E Algonquin Rd | PO Box 275 | X | At Prospect, | 2 2 | 00000-0213 | |
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Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

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| Venture Industries Coro Eft | | PO Box 77317 | | Detroit, | Σ | 48277 |
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| Wokare Warnick Inc | | 50 Bermar Park Ste 4a | | Rochester, | Ŋ | 14624 |
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| Control of Desired 10 | Chairman | Wetow Packaging LLP | 3555 Timmons Land Ste 1440 | Houston, | ĭ | 77027 |
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| Vision Financial Group Inc | | 11100 Liberty Ave | | Pittsburgh. | € (| 77701 |
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| Boc Group Inc | | Boc/airco Bulk Gas Division | 680 N Baldwin Park Blvd | | City Of Industry, C | A 91746-1501 | 5 |
| Braxton Manufacturing | | 2641 Wahut Ave | PO Box 425 | | | CA 92780 | _ |
| Broadcasting & Cable | | PO Box 15157 | | | follywood, | ı | 22 |
| Bryan Manufacturing Co Inc | | PO Box 425 | | | | | |
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| Castrol Industrial Inc | | Dba Castrol Ind No America | 5331 E Slauson | | commerce. | A 90040 | |
| Çœi | | 3540 E 26th St | | | | CA 90023 | |
| Century Spring Co Inc | | 222 E 16th St | | | | -1 | |
| Chicago White Metal Casting | Melinda Gonzalez | Route 83 & Fairway Dr | | | jæ, | 60106 | |
| Choice Point Services Inc | | PO Box 105186 | | | 7 | GA 30348 | |
| Cintas Cleanroom Resources | | 23161 Antonio Pkwy | | | _ | - | |
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| Citibank USA N A | Assoc Texaco Payment Ctr | 4300 Westown Pkwy | | | ss Moines, | A 50266 | |
| ices Inc | | 4150 Gardenbrook Rd Ste 155 | | | | - 1 | |
| | Murray Crowe | North Carolina | 1545 St James Church Rd | | | NC 28658-0000 | 8 |
| 10 | Kim Bushnell | 65 Silver St | | | , | 1 | |
| Conductive Systems Inc | | Rte 140 Industrial Pk | 31 Mozzone Blvd | | Taunton, | MA 02780 | - |
| Conquest Seal Corporation | | 3156 H E La Paima Ave | | | | CA 92806 | _ |
| Contact East Inc | | Marshall Electronic Group | 9661 Telstar Ave | | El Monte, | ١ | _ |
| Contrarian Funds LLC as Assignee of Plastic | - | | | | | | |
| Decorators Inc | Alpa Jimenez | Contrarian Funds LLC | 411 W Putnam Ave Ste 225 | | | П | |
| Controlled Motion Solutions | | 13891 Naufilus Dr | , | | rove, | CA 92643 | |
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V LLC | 1585 Hotel Cir S Ste 310 | | - | San Diego, C | CA 92108 | |
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| Local 717 IUE CWA and its members | Thomas M Kennedy Susan M Jernik | Kennedy Jennik & Murray PC | 113 University Place | New York, | N¥ | 10003 | |
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| Local 718 IUE CWA and its members | Thomas M Kennedy Susan M Jernik | Kennedy Jennik & Murray PC | 113 University Place | New York, | Ν× | 10003 | |
| Local 718 IUE CWA and its members | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University Place | New York, | | 10003 | |
| Local 755 IUE CWA and its members | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University PI | New York, | | 10003 | |
| Local 755 IUE CWA and its members | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University PI | New York, | ž | 10003 | |
| Local 801 IUE CWA and its members | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University Place | New York, | | 10003 | |
| Local 801 IUE CWA and its members | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University Place | New York, | Γ | 10003 | |
| Madison Investment Trust Series 38 | Madison Investment Trust Series 38 | 6310 Lamar Ave Ste 120 | | Overland Park, | KS | 66202 | |
| Medison Investment Trust Series 38 | Madison Investment Trust Series 38 | 6310 Lamar Ave Ste 120 | | Overland Park. | | 66202 | |
| Madison Niche Opportunities LLC | Madison Niche Opportunities LLC | 18310 Lamar Ave Ste 120 | | Overland Park. | KS | 66202 | |
| Mcnauchton Mckay Electric Co O | | 1357 E Lincoln Ave | | Madison Heights. | | 48071-4134 | |
| | | Barack Ferrazzano Kirschbaum & | | | | | |
| Motion Industries Inc | Kimberly J Robinson | Nagetberg LLP | 200 W Madison St Ste 3900 | Chicago, | | 90909 | |
| MSC Industrial Supply Co | MSC Industrial Supply Co | 75 Maxess Rd | | Melville, | | 11747 | |
| Office Depot | | 5809 Long Creek Park Dr | Customer Service Ctr | Charlotte, | | 28269 | |
| Peter Bartsch Heating & Air | | 100 S Pine St | | Spartanburg, | သွင | 29302 | |
| Phj & W | | 600 Peachtree St Ne | | Atlanta, | 1 | 30308 | |
| Pliney Bowes | | PO Box 856460 | | Louisvile, | ₹ | 40285-6460 | |
| Plasti Cert Inc | The Law Offices of Markian R Slobodian | 801 North Second Street | | Hamisburg, | | 17102 | *************************************** |
| Precision Plating Co Inc | | 4123 W Peterson Ave | | Chicago, | | 80646 | |
| Preferred Sourcing Lic | Cheryl Stripling | 265 Pkwy East | | Duncan, | | 29334 | |
| Pic | Ullian Simmons | 140 Kendrick St | | Needham, | W. C. | 02484 | |
| Regginald R Moore | | 241 Stones Throw Drive | | randrum, | | 29308 | Ī |
| Retrees of Delphi Corp or Any of its
Predecessors et al | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray P.C. | 113 University PI | New York, | È | 10003 | |
| Retirees of Delphi Coro or Any of its | | | | | | | |
| Predecessors et al | Thomas M Kennedy Susan M Jennik | Kennedy Jennik & Murray PC | 113 University PI | New York, | | 10003 | |
| Scenic Tool & Stamping | Mike Blackwell | 620 Melvin Hill Rd | | Campobello, | သွ | 29322 | |
| Scott Equipment Co Inc | | PO Box 670 | | Huntersville, | | 28070 | |
| Scott Vending Inc | | 121 Wilkle St | | Forest City, | | 28043 | |
| Sean P Corcoran | | 47 Cambridge | | Pleasant Ridge, | | 48069 | |
| Securitas Security Services | | 1 Chick Springs Rd | | Greenville. | SC | 29609 | |
| Shuman Plastics Inc | | 35 Neoga St | | Lepaw, | | 14043 | |
| Solid State Stamping | Maryann Bukovi | 43550 Business Park Or | | lemecua, | | 32330-2003 | |
| Sparlanburg Water System | | 200 Commerce St | 007 10 | Spertanourg, | | 20304 | |
| Standard Corp | Bab Meculloch | 1501 Main St | Ste 400 | Columbia, | | 20200 | |
| Standard Lighting | Susan Watts | 952 Brisack Kd | | Speriariourg, | | 44204 | |
| Trade Debt Net | Trade Debt Net | PO Box 148/ | | INDIADE ISSAA | N. | ******* | |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | west Babyon, | | 11/04 | |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | West Babyion, | Ž | 1104 | |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | West Babylon, | | 11/04 | |
| Tryon Lumber Company | | PO Box 216 | | Landrum, | I | 40470 0004 | |
| United Parcel Service | | PO Box 7247 0244 | | Fnaadelpnia, | ₹ ≥ | 18170-0001 | |
| Ups Customhouse Brokerage | | PO Box 34486 | | - Foursyale, | | 4023240 | |
| Versatle Engineering | Adolf Welss | 1559 W 135th St | | Gardena, | 5 6 | 90249 | |
| Wemco Precision Tool | Bill Miller | 9124 Pettis Rd | | Meadville, | | 16535 | |

| Longacre Master Fund Ltd Longacre Master Fund Ltd Longacre Master Fund Ltd | Wadimir Jelisavcic
Wadimir Jelisavcic | 810 Seventh Ave 22nd Fl | | | New York, | | |
|--|--|---|----------------------------|-------------------|--------------------|---------------|-------|
| Longacre Master Fund Ltd Longacre Master Fund Ltd | Vladimir Jelisavcic | 1040 County Ave Jone II | | | | | |
| Longacre Master Fund Ltd | | 0 IU Severiui Ave 22110 FI | | | New York, | | |
| il prenteon Mfg Co StAl Inc | Madimir Jelisavcic | 810 Seventh Ave 22nd Fl | | | New York, | NY 10019 | |
| Edicinating of DVV IIIC | Jeanne Simmons | PO Box 932 | | | Kokomo, | IN 46903-0932 | 0932 |
| Lorrie Sales Co | Lee J Ceechin | 2407 East Oakton St | | | Arlington Heights, | IL 60005 | |
| Lumex Inc | | 290 E Helen Rd | | | Palatine, | IL 60067 | |
| Lutz Sales Inc | | 4675 Tumberry Dr | | | Hanover Park, | IL 601035463 | 5463 |
| M & G Industrial Products Research Co | - 1 | 400 Paredes Line Rd Ste 1 | | | Brownsville, | | |
| M&G Industrial Products Research Co | M&G Industrial Products Research Co | 400 Paredes Line Rd Ste 1 | | | Brownsville, | | |
| Mac Arthur Corporation | Thomas F Barrett | 3190 Tri Park Dr | | | Grand Blanc, | MI 48439-0010 | 0010 |
| Madison Investment Trust Series 38 | Madison Investment Trust Series 38 | 6310 Lamar Ave Ste 120 | | | Overland Park, | | |
| Madison Investment Trust Series 38 | Madison Investment Trust Series 38 | 6310 Lamar Ave Ste 120 | | | Overland Park, | | |
| Madison Investment Trust Series 38 | Madison Investment Trust Series 38 | 6310 Lamar Ave Ste 120 | | | Overland Park, | KS 66202 | |
| Madison Niche Opportunities LLC | Madison Niche Opportunities LLC | 6310 Lamar Ave Ste 120 | | | Overland Park, | KS 66202 | |
| Madison Niche Opportunities LLC | Madison Niche Opportunities LLC | 6310 Lamar Ave Ste 120 | | | Overland Park, | KS 66202 | |
| Madison Niche Opportunities Llc | | 6310 Lamar Ave Ste 120 | | | Overland Pk, | KS 66202 | |
| Marconi Data Systems Inc | | 1500 Mittel Blvd | | | Wood Dale, | IL 60191-1073 | .1073 |
| Markern Corporation | | PO Box 3542 | | | Boston, | MA 02241 | |
| Maxtrol Corporation | | 15827 Los Altos | | | Houston. | TX 77083 | |
| Mcallen Bolt & Screw | | 4403 W Military Hwy | Ste 500a | | Mcallen. | Г | |
| McMaster Carr Supply Co | | PO Box 4355 | | | Chicago. | Г | |
| Mercer Engineers Inc | Debbie Gomez | PO Box 79000 | | | Houston. | TX 77279-9000 | 0006 |
| Meridian Automotive Systems | | 5433 Miller Rd | | | Dearborn. | Γ | |
| Merrill Lynch Credit Products LLC | Gary S Cohen & Chris Moon | 4 World Financial Center 7th Fi | | | New York | Ĺ | |
| Michigan Spring & Stamping | | Precision Products Group | PO Box 720 2700 Wickham Dr | | Muskedon | Τ | |
| Micro Comercial Components Cor | | 21201 Itasca St | | | Chatworth. | L | |
| Microchip Technology Inc | | PO Box 100799 | | | Pasadena. | Τ | 799 |
| Mid Coast Electric Supply Inc | | PO Box 2505 | | | Victoria. | Т | 2505 |
| Motion Industries | | 397 A Charles Court | | | West Chicago. | | |
| Motion Industries Inc | | 397 A Charles Court | | | West Chicago, | IL 60185 | |
| Motion Industries Inc | | Formally Midcap Bearing | PO Box 4695 | | Brownsville, | TX 78523 | |
| MSC Industrial Supply Co | MSC Industrial Supply Co | 75 Maxess Rd | | | Melville, | NY 11747 | |
| National Bag Company Inc | Bob | 2233 Old Mill Rd | | | Hudson, | OH 44236-1369 | .1369 |
| National Semiconductor Corp | National Semiconductor Corp | 2900 Semiconductor Dr. G2 335 📑 | | | Santa Clara, | CA 95051 | |
| Neff Perkins Company | attn David M Neumann | c o Benesch Friedlander Coplan &
Aronoff LLP | 2300 BP Tower | 200 Public Square | Cleveland. | OH 44114-2378 | .2378 |
| New Juklin Industries Inc | | 28521 River Crest Dr | | | + | Г | 2065 |
| Nix Of America | | 181 Metro Dr Ste 590 | | | San Jose. | L | |
| North Star Stamping & Tool Inc | Catherine O Brien | 1264 Industrial Dr | | | Lake in The Hills, | Г | 1500 |
| Novatec Inc | | 222 E Thomas Ave | | | Baltimore, | MD 21225 | |
| O C Tanner Recognition Company | Lesia Harmon | O C Tanner Company | 1930 S State St | | Salt Lake City, | UT 84115 | |
| Oce North America Inc | Attn Legal Dept | 5600 Broken Sound Blvd | | | Boca Raton, | FL 33487 | |
| Oce Usa Inc | | 5450 North Cumberland Ave | | | Chicago, | | |
| Oes A Inc | | 11436 Rojas Ste B 3 | | | El Paso, | TX 79936 | |
| Ohio Fasteners & Tool Inc | Tom Jarjabka | 915 Lake Rd | | | Medina, | OH 44258 | |
| OKI America Inc | Attn Anna Phan Assistant Controller | 785 N Mary Ave | | | Sunnyvale, | CA 94085 | |
| Optical Gaging Products Inc | - | 850 Hudson Ave | | | Rochester, | NY 14621 | |
| Optomistic Products Corp | | PO Box 751 | | | South Freeport, | ME 04078-0751 | -0751 |
| Oracle Corporation | | 500 Oracle Pky | Ms 659307 | | Redwood City, | | .1677 |
| Osram Opto Semiconductors Inc | c o Robert L Eisenbach III | Cooley Godward LLP | 101 California St 5th FI | | San Francisco, | CA 94111-5800 | 5800 |
| Pac Cnc Inc | | 5220 Edgewater Dr | | | Allendale, | | |
| Panasonic | • | Bank One Charlotte Proc Ctr | PO Box 905358 | | Charlotte, | NC 282905358 | 5358 |
| Panasonic Industrial Corp | | PO Box 905358 | | | Charlotte, | | 5358 |
| Paul Hastings Janofsky and Walker Lip | Katherine A Traxler | 515 S Flower St 25th Fl | | | Los Angeles, | CA 90071 | |

Delphi Corporation Class C General Unsecured Claims Class 8C Ballot

60046 75284-8264 92590 91341-0792 08086 77210-4706 60693 06830 60195-2016 10022 10022 77061-4115 46231 60601 92614 92614 92614 06830 06830 49002 94403 46947 94550 06830 78521 91101 91101 08837 10022 60177 5 SZSZXZZZZZ S 2 - 12 2 2 2 1 2 5 占 ᇅ FESSA **⋥⋛⋛**⋛⋛⋥⋥ Edison, Hoffman Estates Livermore, Rochester Hills, Brownsville, Temecula, San Fernando, Boston, Mcallen, Hopkins, Hopkins, Grand Rapids, S Elgin, New York, New York, New York, Houston, Indianapolis, Chicago, Zanesville, Brownsville, Pasadena, Pasadena, Houston, Chicago, Greenwich, Logansport Greenwich, **Greenwich** San Mateo Thorofare, Greenwich Lake Villa Portage, Dallas, Irvine, rvine, ryine, ryine, 199 S Los Robles Ave Ste 600 199 S Los Robles Ave Ste 600 Two Waters Park Dr Ste 200 203 N LaSalle St Ste 2500 2699 White Rd Ste 255 900 Sylvan Ave Afrot LLP 1150 King Georges Post Rd 2125 N Stonington Ave 2125 N Stonington Ave Stimpson Co 500 N LaFox St 885 Third Ave 30th F1 885 Third Ave 30th F1 885 Third Ave 30th F1 886 Third Ave 30th F1 886 Third Ave 30th F1 885 Third Ave 30th F1 886 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Third Ave 30th F1 887 Tradebeam Inc PO Box 658 114 Wright Brother Ave 3312 Palm Aire Ct Studio B 295 Us Hwy 281 PO Box 3644 6620 S 33rd St Bidg J Ste 10 1302 S 5th St 37575 N Hwy 59 PO Box 848264 43350 Business Park Dr PO Box 792 10 Leonards Ln PO Box 4706 470 Johnson Rd 2 Greenwich PIz 1st FI Two Greenwich Plz 1st Fl Two Greenwich Plz 1st FI Two Greenwich Plz 1st Fl PO Box 650270 1805 Chandlersville Rd 2587 Rockwell Dr Afret LLP Greenwich Plz 1st FI Two Greenwich Plz 1st FI 900 Clancy Ave Ne 2699 White Rd Ste 255 2699 White Rd Ste 255 2699 White Rd Ste 255 Sierra Liquidity Fund 1302 S 5th St Colon Kelly Co Stonehill Capital Management Co Stonehill Capital Management Co Stonehill Capital Management Steve Markraff c o Mark T Flewelling Esq c o Mark T Flewelling Esq Christine Stima Attn General Counsel T M Morris Mfg Co Inc Thermotech Company Thermotech SA de CV Sierra Liquidity Fund Sierra Liquidity Fund Attn Brian A Jarmain Sierra Liquidity Fund Attn Brian A Jarmain Attn Brian A Jarmain Attn Brian Jarmain Accounts Payable c o Jason Metnick Nicole Jorgensen Roger Quellette Brian Jarmain Peter Kapas Felipe Garcia Jan Leuhrs Assignor Sierra Liquidity Fund LLC Assignee Staff Force SPCP Group LLC as Assignee of ES Investments Sun Microstamping Technologies Sumida America Inc Summit Polymers Inc Supply Solution Inc Its Successor Tradebeam Products Corporation Assignor Sierra Liquidity Fund LLC Assignee HTT Inc SPCP Group LLC as agent for Silver Point SPCP Group LLC as agent for Silver Point Capital Forfishore Fund LP and Silver Point Capital Offshore Fund LTD SPCP Group LLC as agent for Silver Point Capital Fund LP and Silver Point Capital SPCP Group LLC as agent for Silver Point Capital Fund LP and Silver Point Capital Offshore Fund LTD St Joseph Water Stanley Electric Sales of America Inc Stanley Electric Sales of America Inc Star Micronics America Inc Stevens Molding Inc. Stimpson Edwin B Co Inc. STK Rebuilders Inc. Stonehill Institutional Partners LP. Stonehill Institutional Partners LP. Stonehill Institutional Partners LP. Stullair Sales & Service Corp. T M Morris Mfg Co Inc Ta Yang Silicones Of America Technical Illustration Corporation Thierica Inc Tia Inc & Sierra Liquidity Fund Inc Assignor Smt Research Inc Software Spectrum Inc Solid State Stamping Inc Thermotech Company Thermotech SA de CV Sprinter Marking Inc Offshore Fund LTD Southwestern Bell Spartech Polycom est Solutions Llc Temp Control Inc Solvay Solexis Feradyne Inc Sumco Inc

| | | | | | Closopon | 3 | A40A9, 908A |
|---------------------------------------|--|------------------------------|---------------------------|-----------------|---------------|-----|-------------|
| Trong Lic | | licona Forton | 8040 LAXIB HMY | | riorence, | 2 = | #1045-2004 |
| Tingstol Company Corp | Hemen Fonseca X 160 | 5925 Paysphere Cir | | | Chicago, | 2 | 4/cna |
| Tollman Spring Co Inc | | 91 Enterprise Dr | | | Bristol, | 5 | 06010 |
| Tool Crib | Oralia | 38 North Park Plaza | | | Brownsville, | ř | 78521 |
| Topling Technologies Llc | | 11680 Brittmore Park Dr | | | Houston, | ř | 77041 |
| TPG Credit Opportunities Investors LP | Attn Shelley Hartman | c o TPG Credit Management LP | 4600 Wells Fargo Ctr | 90 S Seventh St | Minneapolis, | ZΣ | 55402 |
| TPG Credit Strategies Fund LP | co TPG Credit Management LP | Attn Shelley Hartman | 4600 Wells Fargo Ctr | 90 S Seventh St | Minneapolis, | NN. | 55402 |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | | West Babylon, | ž | 13704 |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | | West Babylon, | ž | 11704 |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | | West Babylon, | È | 11704 |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | | West Babylon, | ž | 11704 |
| Trade Debt Net | Trade Debt Net | PO Box 1487 | | | West Babylon, | ž | 11704 |
| Trans Tech America Inc | Fax 630 752 4473 | PO Box 95327 | | | Chicago, | = | 606945327 |
| Transducer Techniques | THE RESIDENCE AND ASSESSMENT OF THE PROPERTY O | 42480 Rio Nedo | | | Temecuta, | Ą | 92590 |
| Trw Fasteners Division Inc | | 180 State Rd East | | | Westminster, | ₹ | 01473 |
| III Inc | | 2441 NE Pky | | | Fort Worth, | ĭ | 76106-1896 |
| | | Winegarden Haley Lindholm & | | | ; | | |
| Twin Corporation | Dennis M Haley P14538 | Robertson PLC | G 9460 S Saginaw St Ste A | | Grand Blanc, | Œ. | 48439 |
| Tydenbrammall | | PO Box 79001 | | | Detroit, | Ξ | 48279-1372 |
| Umg Technologies Inc | | 6a Electronics Ave | | | Darryers, | ¥. | 22,10 |
| Unholtz Dickle Corporation | Unholtz Dickle Corp | 6 Brookside Or | | | Wallingford, | 5 | 0649Z |
| United Electronics Com | | 5321 N Pearl St | | | Rosemont, | ╛ | 60018 |
| United Ribtype Co | | 1415 S Calhoun St | | | Fort Wayne, | z | 46855-0990 |
| Universal Instrument Corp | Chuck Dignam | PO Box 6459 | | | New York, | ž | 10249-6459 |
| Verizon Wireless | | PO Box 293450 | | | Lewisville, | ř | 75029 |
| Vasvstems | Attn R Shenberger | 1915 Trolley Rd | | | York, | PA | 17408 |
| Victory Packaging | | PO Box 844138 | | | Dallas, | × | 752844138 |
| Vishay Americas Inc | Attn Marion R Hubbard | 1 Greenwhich PL | | | Shellon, | 5 | 06484 |
| Vitronics Solfec | Barb Rossignol Ext 222 | General Post Office | PO Box 27566 | | New York, | ž. | 10087-7350 |
| West Side Industrial Sply | Lois Troy Fax 847 931 0023 | 1530 North Lafox | | | South Eight. | 4 | 1/100 |
| Western Consolidated Tech Inc | | PO Box 657 | 700 W Swager Dr | | Fremont, | 2 2 | 40737 |
| Whitlam Label Co In | | 24800 Sherwood Ave | | | Centerine, | ٤. | 21004 |
| Wiegel Tool Works Inc | David Leibowitz | Leibowitz Law Center | 420 W Clayton St | | Waukegan. | 4 | C9009 |
| Wolverine Plating Corp | Tom Braciszewski | 25456 Groesbeck Hwy | | | Roseville, | Ξ | 48086 |
| World Buying Services Inc | Rene Brumley | 330 Evergraen Rd Ste 8 | | | Louisvalle, | ž | 40243 |
| Xtra Lease LLC | Xtra Lease LLC | 1801 Park 270 Dr | Ste 400 | | St Louis, | 2 : | 63746 |
| Yazaki North America Inc | Dawn Reamer | 6601 Haggerty Rd | | | Canton, | ž | 48187 |
| Zetex Inc | Peg Sandy | 700 Veterans Memoral Hyw | | | Наиррацде. | Z | 11/88 |
| Zierick Mfg Co | | 131 Radio Circle | | | Mount Kisco, | ž | 10549 |
| Zilon Inc | Attn AR Deot | 532 Race St | | | ISBN Jose, | 5 | 92126 |

Page 9 of 9

Delphi Corporation Class C General Unsecured Claims Class 10C Ballot

05548-5-51 77040 07070 85040 11101 79936 SAFATA SAR Lagrange, Highlands Ranch, Amherst, Phoenix, Long Island City, Minneapolis, Aurora, Tulsa, Benton Harbor, Cheyenne, Trevose, Denver, Philadelphia, Gaithersburg, Dayton, Nortwale, Anaheim, Jersey City, Jersey City, Jersey City, Grand Junction, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Jersey City, Norwood, Niles, Rutherford, Rutherford, Rutherford, Rutherford, Rutherford, Rutherford, Rutherford, Houston, El Paso, Chicopee, Mariboro, Franklin, Hillsboro, 2550 Meadow Brook Rd 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th FI 30 Hudson 17th Fi 30 Hudson 17th Fl co Goldman Sachs & Co 117750 E 32 Ave Ste 30 1115 N Utica Ave PO Box 97 T 4400 Del Range Blvd 4636 Somenton Rd 1003 E 75th Ave PO Box 8500 S 4485 100 Edison Park Dr 2275 Stanley Ave 186 Veterans Dr 720 N Valley St 301 Rte 17 6th Fi 3632 East Lasalle St 48 75 36th St Nw 7977 01 6650 Concord Park Dr 12055 Rojas Dr Ste K 10755 Rojas Dr Ste K 107 Bartlett St 50 Earls Wy 15270 Sw Holly Hill Rd 661 Hillgrove Ave 8881 Sundrop Way 9a Columbia Dr 15 Maple St 5693 W Howard St 301 Rte 17 6th Fl 301 Rte 17 6th Fl 301 Rte 17 6th Fl 301 Rte 17 6th Fl 301 Rte 17 6th Fl 301 Rte 17 6th Fl 301 Rte 17 6th Fl Attn Ganna Liberchuk Attn Ganna Liberchuk Attn Ganna Liberchuk Attn Ganna Liberchuk Attn Ganna Liberchuk Attn Ganna Liberchuk Attn Ganna Liberchuk As Assignee of Maine Machine Products Co Steve Olhoff 301 340 4192 Carolyn Lupe Huner 708 354 1040 John Brion Erin Stone Attn Gaylord P Whiting Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Attn Pedro Ramirez Robert S Maloof H Galow Co Inc Bruce Campbell Goldman Sachs Credit Partners LP Hoppe Tool Inc Hotinger Baldwin Measurements Howes Temco Inc Hypatia Inc Gem Industries Global Engineering Documents Global Exchange Services Globe Motors Harco Metal Products Hardware Specialty Co Inc Hirel Systems Zman Magnetics Hisco Inc Honeywell Sensing & Controls Hain Capital Holdings LLC Gater Industries Inc Ge Osmonics Inc Gardner Spring Inc Gast Mfg

EXHIBIT X

12/27/2007 10:14 PM X - 5C INTERNATIONAL W8

| A 44 miles A 4 d 0 - 11 de 10 d | | | | | |
|--|-------------------------------------|--|---------------------------|------------|----------------------|
| Adi Fire And Security Fic | Adt House Stephanson Way | | rpool, | L13 1HD | United Kingdom |
| Advantage Healthcare Group Ltd | Grosvenor House Ste G 04 | | ť | TF2 9TW | United Kingdom |
| Agie Charmilles Ltd | North View | 8 | Coventry West Midlands, | CV2 2SJ | United Kingdom |
| Air Products PIc Air Products Uk Gases | Millennium Gate Westmere Dr | Crewe Business Park 2 | Crewe Cheshire, | CW1 6AP | United Kingdom |
| Alpha Fry Ltd | Forsyth Rd | Sheerwater | Woking, | 0GU21- 5SB | - |
| Anchor Environmental Services Ltd | Handforth Brook Cottage | | Northwich, | CW8 2ST | United Kingdom |
| Automatic Data Processing Ltd | Syward PI Pycroff Rd | | Chertsey, | 0KT16-9JT | United Kingdom |
| Bartec Dispensing Technology Gmbh | Ahomweg 4 | | Weikersheim, | 97990 | Germany |
| Bergquist U K Ltd | Unit 27 Darin Court | | Milton Keynes, | MK8 0AD | United Kingdom |
| Boc Ltd | 6 Priestl | | Manchester, | M28 4US | United Kingdom |
| British Standards Institute | 389 Chiswick High Rd | | London, | W4 4AL | United Kingdom |
| Calor Gas Ltd | Athena Dr Tachbrook Pk | | Warwick Warwickshire, | 0CV34-6RL | = |
| Chep U K Ltd | Village Way The Village | | Manchester, | M17 1HR | - |
| Clover Uk Ltd | Valiant Way | | Birkenhead, | 0CH41-9HS | - |
| Coilcraft Inc | 21 Napier PI Wardpark North | | Cumbernauld, | G68 0LL | |
| Compu Inc Uk Ltd | Oslo Rd Suttonfields Industrial Est | | Hull North Humberside, | HU70YN | United Kingdom |
| Ctp Silleck Ltd | Durham Ln Indstl Park Eaglescliffe | | Stockton On Tees, | 0TS16- 0PN | + |
| Daishinku Deutschland Gmbh | Wiesenstr 70a 2 | | Duesseldorf, | 40549 | 1- |
| David Ludzker Ltd | 3 7 Shaw St | | Liverpool, | L6 1HH | United Kingdom |
| Dell Computer Corporation Ltd | Milbank House Western Rd | | Bracknell Berks. | RG12 1RW | United Kinadom |
| Dhi International Uk Ltd | 1 Dukes Green Ave | | Feltham Middlesex. | TW14 OLR | United Kinadom |
| Egl Eagle Global Logistics Uk Ltd | 5 Bldg 301 World Freight Ter | | Manchester. | M90 5FY | United Kinadom |
| Fci Automotive Deutschland Gmbh | Rathsbergstr 25 | | Nuemberg. | 90411 | Germany |
| Gefco U K Ltd | Yew Tree Way Stonecross Ln | | Warrington. | WA3 3GY | United Kinadom |
| Genesys Conferencing Ltd | Stephenson House | | Crovdon. | CR0 6BA | Svrian Arab Republic |
| Glaston Compressor Services Ltd | Hydes Brow Wks | | Skelmersdale. | WN8 9SA | United Kinadom |
| Henkel Loctite Adhesives Ltd | Watchmead Welwyn Garden City | | Hertfordshire. | AL7 1.JB | United Kingdom |
| Heraeus Materials Ltd | Unit A Cinderhill Industrial Estate | Stoke On Trent | Staffordshire, | ST3 5LB | United Kingdom |
| | | | | | |
| In Parallel Computer Staff Ltd | 3 Church St | | Tewkesbury Gloucestershi, | GL20 5PA | United Kingdom |
| Sd | Dunningsbridge Rd | | Liverpool, | L30 6TE | United Kingdom |
| J R Webster & Co Ltd | Birchill Rd Knowsley Indstl Pk | | Liverpool, | L33 7TD | United Kingdom |
| Koa Europe Gmbh | Kaddenbusch 6 | | Daegeling, | 25578 | Germany |
| Lee Products Ltd | Chaffont St Peter | | Gerrards Cross Buckingha | HO9 918 | United Kingdom |
| Memec Europe Ltd | 17 Thame Park Rd | | Thame, | OX8 3XD | United Kingdom |
| Merseyside Metal Services Ltd | 21 35 Gascoyne St | | Liverpool Merseyside, | L3 6BS | United Kingdom |
| Molex Etektronik Gmbh | Grashofstrasse 17 | | Ettlingen, | 76275 | Germany |
| Murata Electronics Uk Ltd | Oak House Ancells Rd | | Fleet Hampshire, | GU51 2QW | |
| National Instruments Corp Uk Ltd | Measurement House | London Rd | Newbury, | 0RG14-2PS | |
| Nichicon Austria Gmbh | C 2/14 | | Schwechat, | 02320 | Austria |
| Patersons Ltd | 21 Chapman Way | | Tunbridge Wells, | TN2 3EF | United Kingdom |
| Prepress Lamps Ltd | 117 119 Hove Ave | | Walthamstow, | E17 7NG | United Kingdom |
| R B Farquhar Developments Ltd | Deveronside Works | | Huntly, | 0AB54- 4PS | _ |
| Rentokil Initial Uk Ltd | Northside Rd | | Bradford, | BD7 2TN | United Kingdom |
| Rohm Electronics Ltd | Unit 15 Pverel Dr Ganby | | Milton Keybes Bucks, | MK11NH | United Kingdom |
| Software Spectrum Uk Ltd | Gomm Rd High Wycombe | and the second s | Buckinghamshire, | 0HP13- 7DL | United Kingdom |
| Static Solutions Ltd | Global Kleen Environmental | | Bamsley, | S71 3HS | United Kingdom |
| Stertii U K Ltd | Stertil House Caswell Rd | | Northampton, | NN4 7PW | United Kingdom |
| Tdk Electronics Europe Gmbh | Wanheimer Str 57 | | Duesseldorf, | 40472 | Germany |
| Wetrok Ltd | 4 Easter Cy | | Warrington, | WA5 5ZB | United Kingdom |

EXHIBIT Y

12/27/2007 10:15 PM Y - 1C Exclude, UAW letter Domestic

Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

| CreditorName | CreditorNoticeName | Address1 | Address2 | Address3 City | State | Zip Country |
|-------------------------|--|---|----------------------------|-------------------|----------|-------------|
| Spear Michael K | | 2381 Bock Rd | | Saginaw, | M | 03-3835 |
| Spear Paula H | | 2381 Bock Rd | | Saginaw, | Ξ | 48603-3835 |
| Steblein James | | 6344 Ridge Rd | | Lockport, | ≽ | 14094-1017 |
| Stephen G Johnson | | 4696 Quarton Rd | | Bloomfield Hills, | Ξ | 48302 |
| Strahm Jr Charles F | | 9600 Downing Rd | | Birch Run, | Σ | 48415-9734 |
| Strough Carol B | | 3621 E Lynn St | | Anderson, | <u>z</u> | 46013-5377 |
| Studivent Lutha M | | 830 S 25th St | | Saginaw, | M | 48601-6522 |
| Stupak Susan E | | 4515 Willow Bend Dr | | Arlington, | ¥ | 76017-1341 |
| Summerours Johnnie | | 5503 Broomall St | | Huber Heights, | ᆼ | 45424 |
| Taliman Jr James L | | 70 Duchess Dr | | Buffalo, | ž | 14224-2351 |
| Tavener R D | | 7682 Bellefontaine Rd | | Huber Heights, | Ю | 45424-1561 |
| Taylor Elowese | | 4766 Eva St | | Saginaw, | Σ | 48601-6917 |
| Tester Kenneth M | co Susan M Cook | Lambert Leser Isackson Cook & Giunta PC | 916 Washington Ave Ste 309 | Bay City | Σ | 48708 |
| | | Lambert Leser Isackson Cook & | | 6 | | |
| Tester Kenneth M | co Susan M Cook | Giunta PC | 916 Washington Ave Ste 309 | Bay City, | Ξ | 48708 |
| Thomann Phyllis | | 1272 Hurd Rd | | Clio, | Σ | 48420 |
| Thomas Jr Booker | | 3239 Birch Ln Dr | | Flint, | IM. | 48504-1203 |
| Thomas Norma | AND THE PROPERTY OF THE PROPER | 3200 Webber St | | Saginaw, | ₹ | 48601-4024 |
| Thurston William | | 13080 Dempsey Rd | | Saint Charles, | IM | 48655-9703 |
| Torrey J M | | 681 Quillette Dr | | Beaverton, | IΜ | 48612-8625 |
| Treter Anthony | | 7143 W 48 Rd | | Cadillac, | MI | 49601-9356 |
| Troublefield Thomascine | | 2122 Frueh St | | Saginaw, | M | 48601-4107 |
| Tune Larry | | 306 Edward St | | Auburn, | MI | 48611 |
| Urso Jack A | | 6 Chestnut Cres | | Rochester, | Λλ | 14624-4358 |
| Virgene K Tafel | Virgene K Tafel | 5620 Spring Knoll | | Bay City, | M | 48706 |
| Vogelaar Peter J | | 174 Akron St Apt 3 | | Rochester, | Ν | 14609-7208 |
| Wahi Bartlett | | 6043 Caine Rd | | Vassar, | Σ | 48768-9518 |
| Walker Benjamin N | | 11590 Frost Rd | | Freeland, | Ξ | 48623-8872 |
| Wandzel James S | | 3536 Church St | | Saginaw, | S | 48604-2143 |
| Warzecha Ronald J | | 8679 Foster Rd | | Birch Run, | Ξ | 48415-9032 |
| Wash Douglas S Sr | Wash Douglas S Sr | 4855 Airline Dr Apt 15e | | Bossier City, | ≤ | 71111-0000 |
| Watson Sandra | | In re Cheryl D Harris | 1445 Westerrace Dr | Flint, | M | 48532 |
| Watt George | | 2997 Monroe St | | Saginaw, | M | 48604-2321 |
| Webster Alice R | | 544 S 22nd St | | Saginaw, | M | 48601-1539 |
| Webster Alice R | | 544 S 22nd St | | Saginaw, | ≅ | 48601-1539 |
| Weidner Glendale P | | 300 Main St | | Bay City, | IM | 48706-5016 |
| Welborn Wanda L | | 8320w S 900 W | | Fairmount, | <u>N</u> | 46928-9366 |
| Welch Elaine | | 3145 Warner Rd | | Saginaw, | MI | 48602-3484 |
| Westenburg Sr Richard E | | 3566 7 Mile Rd | | Bay City, | ₹ | 48706-9427 |
| Wheaton Agnes I | | 12782 N Budd Rd | | Burt, | M | 48417-9431 |

Page 8 of 9

EXHIBIT Z

Exhibits 1

Delphi Corporation Class C General Unsecured Claims Class 1C Ballot

| CreditorName | CreditorNoticeName | Address | Address | Addrages | City | 5424 | State Time |
|--------------------------------|--------------------|--|-------------------------------|----------|-------------------|------|------------|
| Wilkie Thomas R | | 19665 Cascade Dr | 1 | | Riverview. | M | 48192-8573 |
| William B Combs | | 133 Brooke Woode Dr | | | Brookville | 2 | 4510-0221 |
| William B Hanna | | 14510 Stenhanie St | | | Oceanol
Compol | 5 2 | 40008-8221 |
| William Constman | | 4749 Cana A 111 D | | | Calle, | 2 | 40033 |
| William C Desiliati | | 17.15 Green Acres Li | | | Kokomo, | 2 | 46901-9549 |
| william E Lloyd and Janet E | | Lloyd Jt Ten | 41 Kristin Dr | | Rochester, | Σ | 14624-1049 |
| William E Turner | | PO Box 5505 | | | Flint, | ¥ | 48505-0505 |
| William G Billig Tr | | Ua Dtd 091500 | Fbo William G Billig Trust | | Clarkston, | M | 48346-2622 |
| William Gerald Vance | | 4347 Brookstone Dr | | | Saginaw, | M | 48603 |
| William Miller Jr and Lillie M | | Miller Jt Ten | 3661 Crestview Dr | | Niagara Falls, | λN | 14304 |
| William R Herren | c o Susan M Cook | Lambert Leser Isackson Cook & Giunta PC 916 Washington Ave Ste 309 | PC 916 Washington Ave Ste 309 | | Bay City, | ¥ | 48708 |
| Williams Betty A | | 23071 Avon Rd | | | Oak Pk | ¥ | 48237-2439 |
| Wilson Dennis R | | 207 E Auburndale Ave | | | Youngstown, | НО | 44507-1905 |
| Wingeier Kenneth G | | 555 Mt Vintage Plantation Dr | | | N Augusta, | သွ | 29860-9264 |
| Wingeier Kenneth G | | 555 Mt Vintage Plantation Dr | | | N Augusta, | သွ | 29860-9264 |
| Wingeier Kenneth G | | 555 Mt Vintage Plantation Dr | | | N Augusta, | ၁၄ | 29860-9264 |
| Wingeier Kenneth G | | 555 Mt Vintage Plantation Dr | | | N Augusta, | SC | 29860-9264 |
| Wingeler Kenneth G | | 555 Mt Vintage Plantation Dr | | | N Augusta, | ၁ၭ | 29860-9264 |
| Wingeier Kenneth G | | 555 Mt Vintage Plantation Dr | | | N Augusta, | သွ | 29860-9264 |
| Wolcott Norman R | - | 8670 Telegraph Rd | | | Gasport, | ž | 14067-9234 |
| Nomack Janice M | | 3422 Lynn St | | | Flint, | Σ | 48503-4430 |
| Wood David | | 2897 Kilburn Court | | | Rochester Hills, | Σ | 48306 |
| Woodbury Marion L | | 2075 Van Vleet Rd | | | Swartz Creek, | Ξ | 48473-9748 |
| Work Lynne H | | 6145 Windstone Lane | | | Clarkston, | × | 48346 |
| Wright C | | 7040 St Ursula Dr | | | Canfield, | 공 | 44406 |
| Wright Julian | | 3320 Stutsman Rd | | | Bellbrook, | ᆼ | 45305-9792 |
| Wydick Roger A | | 5237 Lake Rd W Apt 1018 | | | Ashtabula, | 공 | 44004-8644 |
| Wydner John D | | 8267 Danville Rd | | | Danville, | AL | 35619-6412 |
| rahne John E | | 546 Hathaway Tri | | | Tipp City, | ᆼ | 45371-1107 |
| reomans li Daniel | | 105 Sandalwood Dr | | | Greenville, | ᆼ | 45331 |
| Young Inez | | 3032 Germantown | | | Dayton, | ᆼ | 45408 |
| Young Inez | | 3032 Germantown St | | | Dayton, | 동 | 45408 |
| roungblood Jones Lilly P | | 6045 Sheridan Rd | | | Saginaw, | Σ | 48601-9716 |
| rvonne Roberts | | 530 Allenhurst Rd Apt A | | | Amherst, | ž | 14226 |
| Zajaczkowski William | | 64 Madison Ave | | | Old Bridge, | 2 | 08857 |
| Zajaczkowski William Henry | | 64 Madison Ave | | | Old Bridge, | 2 | 08857-1340 |
| Zajaczkowski William M | | 64 Madison Ave | | | Old Bridge, | 3 | 08857-1340 |
| Zeilinger Barbara A | Attn Howard S Sher | Jacob & Weingarten P C | 2301 W Big Beaver Rd Ste 777 | | Troy, | Σ | 48084 |
| Zeilinger Robert J | Attn Howard S Sher | Jacob & Weingarten P C | 2301 W Big Beaver Rd Ste 777 | | Troy, | M | 48084 |
| Zhou Peter S | | 789 Stendhal Ln | | | Cupertino, | CA | 95014-4658 |
| Zizelman James | | 1887 Hickory Ln | | | Honeoye Falls, | Ň | 14472 |

EXHIBIT EE

Delphi Corporation Class UA (Administrative Claims)

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| Name | NoticeName | Address1 | Address2 | Address3 | City | State | Zip C | Country |
|--|---|--|----------------------------|----------|--------------------|-------|------------|---------|
| CI | | Barack Ferrazzano Kirschbaum & Nagelberg | | | | | | |
| Florito Dinamice Chiefel Comoration | Tim Athert Desides | 11.P | ZUU W Madison St Ste 3900 | | Chicago | Т | 90909 | |
| Electro Dynamics Crystal Corporation | IIM Apport President | 9075 Cody St | | | Overland Park | | 66214 | T |
| Emnan reknologies Lic | | 49201 Grattot Ave | | | Chesterfield | П | 48051 | |
| Engelnard Corporation | Mr Robert Housman Director of Credit | 101 Wood Ave | | | Iselin | | 08830 | |
| Epcos Inc | Attn David N Crapo Esq | Gibbons PC | One Gateway Ctr | | Newark | | 07102-5310 | |
| Fair Harbor Capital LLC | | 875 Ave of the Americas Ste 2305 | | | New York | | 10001 | |
| Fawn Plastics Co Inc | | 1920 Greenspring Dr Ste 140 | | | Timonium | Q. | 21093 | |
| Federal Screw Works | | 20229 9 Mile Rd | | | Saint Clair Shores | ₹ | 48080-1775 | |
| Fujikura America Inc | Attn President | 3001 Oakmead Village Dr | | | Santa Clara | | 95051 | |
| Fujitsu Components America Inc | Attn Accounting Manager | 250 E Caribbean Dr | | | Sunnyvale | | 94086 | |
| Fulton Industries Inc | Kenneth C Baker Esq | Eastman & Smith Ltd | One SeaGate 24th FI | | Toledo | | 43604 | |
| Furukawa Electric North America APD Inc and | | | | | | | | |
| Furukawa Electric Company | Michael S McElwee | Varnum Riddering Schmidt & Howlett LLP | PO Box 352 | | Grand Rapids | Ī | 49501-0352 | |
| GMD Industries LLC dba Production Screw | | | | | | | | |
| Machine | co Ronald S Pretekin | Coolige Wall Co LPA | 33 W 1st St Ste 600 | | Dayton | | 45402 | |
| Gobar Systems Inc | Paige Leigh Ellerman Esq | Taff Stettinius & Hollister LLP | 425 Walnut Street Ste 1800 | | Cincinnati | | 5202 | |
| Goldman Sachs Credit Partners LP | c o Goldman Sachs & Co | Attn Pedro Ramirez | 30 Hudson 17th FI | | Jersev City | | 7302 | |
| Goldman Sachs Credit Partners LP | c o Goldman Sachs & Co | Attn Pedro Ramirez | 30 Hudson 17th FI | | lersev City | 1 | 7302 | |
| Goldman Sachs Credit Partners LP | Attn Pedro Ramirez | c o Goldman Sachs & Co | 30 Hudson 17th FI | | Jersev City | Z | 7302 | |
| Goldman Sachs Credit Partners LP | Attn Pedro Ramirez | c o Goldman Sachs & Co | 30 Hudson 17th FI | | Jersev City | 1 | 07302 | Γ |
| Goldman Sachs Credit Partners LP Assignee of | | | | | | ľ | | T |
| Siemens VDO Automotive Corporation and | | | | | | | | |
| Siemens VDO Automotive Inc | | One New York Plaza 42nd Fi | | | New York | ž | 10004 | |
| Graber Rogg Inc | Arthur Zampella President | 22 Jackson Dr | | | Cranford | 2 | 07016 | |
| Graber Rogg Inc | Arthur Zampella President | 22 Jackson Dr | | | Cranford | Ž | 07016 | |
| Graber Rogg Inc | Arthur Zampella President | 22 Jackson Dr | | | Cranford | 2 | 07016 | |
| H & L Tool Company Inc | Nirendu Dhar | 32701 Dequinder | | | Madison Heights | Ť | 48071-1595 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fi | | | Rutherford | Ī | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fi | | | Rutherford | 2 | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fi | | | Rutherford | 2 | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fi | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th FI | | | Rutherford | 2 | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fl | | | Rutherford | 2 | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fi | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fi | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fl | - | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fl | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th FI | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th FI | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th FI | | | Rutherford | | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th FI | | | Rutherford | ļ | 07070 | |
| Hain Capital Holdings LLC | Attn Ganna Liberchuk | 301 Rte 17 6th Fl | | | Rutherford | П | 07070 | |
| nam Capital noidings LLC | Atm Garna Liberchuk | SUI RIE 17 DIN FI | | | Kutherford | Τ. | 0/0/0 | |
| Henkel Corporation Henkel Locate | # · · · · · · · · · · · · · · · · · · · | PO Box 485 | 1 | | Avon | _ | 44011 | |
| Hitachi Chemical Singapore Pte I td fka Hitachi | George E newitt | 1138 E 400 S | PO Box 4/ | | Caktord | Z | 46965-0047 | T |
| Chemical Asia Pacific Pte Ltd | Attn Menachem O Zelmanovitz Esg | co Morgan Lewis & Bockius LLP | 101 Park Ave | | New York | ž | 10178 | |
| HK Metal Craft Manufacturing Corp | Maria Alen | 35 Industrial Rd | PO Box 775 | | Lodi | Г | 07645 | |
| HK Metal Craft Manufacturing Corp | Maria Alen | 35 Industrial Rd | PO Box 775 | | Lodi | Γ | 07645 | |
| HK Metal Craft Mfg Corp | Maria Alen | 35 Industrial Rd | PO Box 775 | | Lodi | Г | 07645 | |
| Hollingsworth & Vose Co | | 112 Washington St | | | East Walpole | | 02032-100 | |
| Illinois Tool Works Inc | Illinois Tool Works Tomco | 3600 W Lake Ave | | | Glenview | | 60025-121 | |
| Illinois Tool Works Inc | | Anchor Fasteners | 26101 Fargo Ave | | Cleveland | Ю | 44146-1305 | |
| Illinois Tool Works Inc | | Itw Delpro | 8440 A West 183rd PI | | Tinley Pk | | 60477 | |
| Illinois Tool Works Inc | | Itw Deltar Engineered Componen | 8450 W 185th St | | Tinley Pk | | 60477 | |
| Illinois Lool Works Inc | | Itw Deltar Engineered Fastener | 1700 1st Ave | | Chippewa Falls | | 54729 | |
| Hindis Tool Works Inc | | Itw Drawform | SUD Fairview | | Zeeland | - [| 19464 | |
| Integrated Cable Systems Inc | Att. Cust Boos | EDA 224 St | PO Box 92052 | | Chicago | - | 60875 | |
| Integrated Cable Systems Inc. International Rectifier Compration | Richard Brinette and Therace Wardle | Shanard Mullin Richter & Hampton I I D | 333 S Hone St 48th Fl | | Bermoud | 38 | 80513 | T |
| ווווסו וומה וומרפוום: כהידים מחיים | NICHERA DIVIDERO AND DISCOSO VIALUE | Sheppara mallin Nichter a nampion LL | 333 S Hope of 40u 1:1 | | Iros Angeles | ٦ | 1 /000 | 7 |

Delphi Corporation Class UA (Administrative Claims)

동동동 San Jose Madison Heights h Buffelo 3700 Grand River Ste 215 Farmington Hills New York St. Louis New York Chloago Denver Harrisburg Boston Tulsa Shelton Grand Rapids Akron Akron Ann Altor Oxford Oxford Denver Denver Denver Cleveland Cincinnati Cleveland Cleveland New York Florence Muskegon 635 Griswold Ste 1900 100 Southgate Pkwy 40th Fir Porzio Bromberg & Newman PC Automotive Headquarters - The Americas PO Box 1018 203 N LaSalle St Ste 2500 500 N Broadway Ste 2000 The Burl Building 101 California St 5th Fil 2 State 65 SteriB00 PO Box 306 55 E Monroe St 1200 17th St Ste 3000 225 W 34th St Ste 1609 177 Park Ave 3rd Fi 10 S Wacker Dr 40th FI One M&T Piz Ste 2000 Ste 1900 1601 Bryan St 30th F 1265 W 65 St 1265 W 65 St 1265 W 65 St 1265 W 65 St 1265 W 65 St 1265 W 65 St 1285 W 65 St 625 Republic Bldg 625 Republic Bldg 599 Lexington Ave 125 Summer St 260 S Broad St PO Box 1500 PO Box 1500 Kirkpatrick & Lockhart Nicholson Graham LLP 6800 Industrial Rd 601 Terrace St Brett S Moore Esq. 2070 Ringwood Ave. 2070 Ringwood Ave. Bert Silation Dr. Bert S Morman Professional Corporation Aftorneys at Law Cooley Godward LLP Cooley Godward LLP Cooley Godward LLD Rodygeber Johnson & Lyons LLP Rodygeber Johnson & Lyons LLP Rodygeber Johnson & Lyons LLP Rodygeber Johnson LLP Rodygeber Johnson LLP Rodygeber Johnson LLP Burns & Lewisson LLP 125 Forest Farkway SD Cottage Grove SW Micronas Semiconductors Inc 65 E 55in St 19th Fi Lewis Rice & Fingersh LC 1045 Sixth Ave 425 Walnut Stt Ste 1800 101 Prospect Ave NW 101 Prospect Ave NW Sachnoff & Weaver Ltd J P Murphy Co Robert Essenbach III Chamberland Damanda co Robert D Welford Dennis E Qualid Lars H Fuller Esq The Law Offices of Markian R Slobodian Alten Victor Bass Esq Bruce Owen Mgr Credit & Collections David B Draper Esq McNaughton McKay Electric Co Attn Julia S Kreher Esq o Robert N Michaelson Esq Morton R Branzburg Esq Customer Financial Services Robert L Schmidt Esq Gary Vist Customer Financial Services Precision Resource Inc Bruce Penro c o Patrick J Keating Esq c o Patrick J Keating Esq co Glen K Ritner Director Atin Meghan Slow Larry E Parres Steven T Holmes Berlin Division Cleveland Division Elasto Tec Division Fredenicksburg Facility Holmco Division o Parmenter O Toole John S Mairo Esq Attn C Salazar Joe Dolan Charles P Schulmar A Timothy Miller Rohm Electronics USA LLC Rosemount Analytical Rotor Cip Company Inc Signani America Lid Select Industries Corporation fits Solect Tool & Die Shewin Williams Company Shewin Williams Company Siemene VDO Automotive Corporation Assignee of American Electronic Components Inc Musicegon Castings Corp Neuman Alumbrum Aufomotive Inc Neuman Musiminum Insette Estuation Nu Horizone Electronics Corp OMG Americas Inc IC Bearings diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital Partners LLC diock Capital diock Ca attel Corp sterial Sciences Corporation sterial Sciences Corporation soul integrated Products inc Maughton McKey Electic of Ohio stel Chadding inc stell Chadding inc stell Chadding inc stell Chadding inc stellorming Technologies inc Niche Opportunities LLC Mobile Display Systems Mubea Inc

Delphi Corporation Class UA (Administrative Claims)

06830 9830 Greenwich New York Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Jersey City Marcapolis Mirreapolis Greenwich **Sreenwich** Greenwich 85 Broad St 27th F1 30 Hudson 17th F1 7820 N Liley Rd 400 Garden City Ptz 199 S Los Robles Ave Site 600 199 S Los Robles Ave Site 600 PO Box 433939 1420 Kensington Rd Ste 208 190 S LaSelle St 4600 Wells Fargo Ctr 4600 Wells Fargo Ctr 4600 Wells Fargo Ctr PO Box 4010 101 N Tryon St Ste 1900 One M&T Plaza Ste 2000 885 Third Ave 30th Fi c o TPG Credit Management LP Robinson Editander & Hudgins et al Robinson Russ LLP Hodgson Russ LLP 8001 WHitgins Rd 8001 WHitgins Rd 6300 18 1/2 Mile Rd 6300 18 1/2 Mile Rd Mayer Rown Rowe & Maw PD Box 933008 3000 University Dr 5000 University Dr Nwo Greenwich Plz 1st FI Iwo Greenwich Plz 1st FI Two Greenwich Ptz 1st FI Two Greenwich Plz 1st FI fwo Greenwich Plz 1st FI Wo Graenwich Piz 1st Fi wo Greenwich Ptz 1st FI 2699 White Rd Ste 266 401 B Street Ste 1700 2 Greenwich Piz 1st Fl Attn Shelley Hartman c o TPG Credit Management LP Attn Shelley Hartman co Thomas G King & DS Holmgren David M Schill attn Jula S Kreiner Esq Attn Larry Magonia Larry Magonia Larry Magonia Lav Sabel General Manager William Holbrook Director of Finance Sean T Scott Larry A Dick Attn Christopher R Cornely Attn Christopher R Cornely Attn Christopher R Cornely Attn Christopher R Cornely Attn Christopher R Cornely Brien Jarmain Brien Jarmain Attn Al Dombrowski Attn Al Dombrowski Attn Pedro Ramirez Briant Shenwood c O Mark T Flewelling Esq co Mark T Flewelling Esq co Mark T Flewelling Esq co Mark T Flewelling Esq co Mark T Flewelling Esq co Mark T Flewelling Esq co Mark T Flewelling Esq co Mark T Flewelling Esq co Storothial Capital Management Attn Steve Nelson Stephen Woodworth Attn Brien A Jarmain ttn Brian A Jarmain th Brian A Jarmair PCP Group LLC as assignee of Key Plastics LLC Attn Brian Jarmain PCP Group LLC as Assignee of Parker Hannlin a Liquidity Fund LLC Assignee Leke Erie ucts Inc Livonia Fittings Products Company et PCP Group LLC as agent for Silver Point Capital und LP and Silver Point Capital Offshore Fund PCP Group LLC as agent for Silver Point Capital und LP and Silver Point Capital Offshore Fund SPCP Group LLC as egent for Silver Point Capital Fund LP and Silver Point Capital Offshore Fund SPCP Group LLC as agent for Silver Point Capital und LP and Silver Point Capital Offshore Fund SPCP Group LLC as agent for Silver Point Capital Fund LP and Silver Point Capital Offshore Fund PCP Group LLC as agent for Silver Point Capital und LP and Silver Point Capital Offshore Fund IPCP Group LLC IPCP Group LLC as agent for Silver Point Caplia Und LP and Silver Point Capital Offshore Fund

EXHIBIT GG

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| III colporation | Master Service |
| 3 | Entities, |
| | nmental |

| Сотрапу | Contact | Address1 | Address2 | City | State | di Z | Country |
|--|---|---|--|---------------|--------------|-------------|---------|
| Barack, Ferrazzano, Kirschbaum & Nagelberg LLP | Kimberly J. Robinson | 200 W Madison St Ste 3900 | | Chicago | = | 90909 | |
| Barack, Ferrazzano, Kirschbaum & Nagelberg LLP | William J. Barrett | 200 W Madison St Ste 3900 | | Chicago | _
<u></u> | 90909 | |
| Barnes & Thomburg LLP | Alan K. Mills | 11 S. Meridian Street | | Indianapolis | | 46204 | |
| Barnes & Thomburg LLP | John T. Gregg | 300 Ottawa Avenue, NW | Suite 500 | Grand Rapids | | 49503 | |
| Bames & Thomburg LLP | Mark R. Owens | 11 S. Meridian Street | | Indianapolis | z | 46204 | |
| Barnes & Thomburg LLP | Michael K. McCrory | 11 S. Meridian Street | | Indianapolis | N. | 46204 | |
| Barnes & Thomburg LLP | Patrick E. Mears | 300 Ottawa Avenue, NW | Suite 500 | Grand Rapids | Σ | 49503 | |
| Barnes & Thornburg LLP | Wendy D. Brewer | 11 S. Meridian Street | | Indianapolis | <u>z</u> | 46204 | |
| Bartholomew County In | Bartholomew County Treasurer | PO Box 1986 | | Columbus | <u>z</u> | 47202 | |
| Bartlett Hackett Feinberg P.C. | Frank F. McGinn | 155 Federal Street | 9th Floor | Boston | 4 | 02110 | |
| Bay City Of Bay | Treasurer | 301 Washington Ave | | Bay City | | 48708 | |
| Bay County Tax Collector | Со Јепу W Gerde Esq | 239 E 4th St | THE RESIDENCE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STATES AND A STATE OF THE STATES AND A STATE OF THE STATES AND A STAT | Panama City | | 32401 | |
| Bd Of Ed South Western City Sch Dst | Treasurer | 3805 Marlane Dr | | Grove City | | 43123 | |
| Begrord Co In | Bedford County Trustee | 102 North Side Square | | Shelbyville | _ | 37160 | |
| Beeman Law Office | Thomas M Beeman | 33 West 10th Street | Suite 200 | Anderson | | 46016 | |
| Ben Hill County Ga | Ben Hill County Tax Commissioner | PO Box 1393 | | Fitzgerald | | 31750 | |
| Berkley City Of Oakland | | 3338 Coolidge Hwy | | Berkley | | 48072 | |
| Bemstein Litowitz Berger & Grossman | Hannah E. Greenwald | 1285 Avenue of the Americas | | New York | × | 10019 | |
| Bemstein Litowitz Berger & Grossman | John P. Coffey | 1285 Avenue of the Americas | | New York | | 10019 | |
| Bernstein Litowitz Berger & Grossman | Wallace A. Showman | 1285 Avenue of the Americas | | New York | | 10019 | |
| Berry Moorman P.C. | James P. Murphy | 535 Griswold | Suite 1900 | Detroit | | 48226 | |
| Bexar Co IX | Bexar Co Tax Assessor / Collector | PO Box 2903 | | San Antonio | | 78299 | |
| Beyon Borner & Columb | David G Aelyoet | Linebarger Goggan Blair & Sampson L | 711 Navarro Ste 300 | San Antonio | T | 78205 | |
| Dialon Borron & Cohunch | Nemiem I. Law, Esq. | Zour El Camino Real | Suite 300 | Palo Alto | | 94306 | |
| Dialog Domon & Columb | Datist M Castella Fact | 2000 El Camino Real | Sulle 300 | Palo Alto | | 94306 | |
| Dialization Designation of the transfer of the | Patrick W. Costello, Esq. | Z600 El Camino Real | Suite 300 | Palo Alto | გ | 94306 | |
| Bialson, Bergen & Schwap | Inomas M. Gaa | 2600 El Camino Real | Suite 300 | Palo Alto | | 94306 | |
| Bingham McHale LLP | , Michael J Alerding | 10 West Market Street | Suite 2700 | Indianapolis | | 46204 | |
| Dingnam Wichale LLP | John E Taylor, Williney L Mosby | 10 West Market Street | Suite 2700 | Indianapolis | | 46204 | |
| Diackloid County III | Blackford County Treasurer | PO Box 453 | | Hartford City | | 47348 | |
| Blank Rome LLP | Marc E. Richards | The Chrylser Building | 405 Lexington Avenue | New York | ž | 10174 | |
| board of county commissioners of Johnson County (Kansas | Johnson County Legal Dept | Johnson County Admin Blda | 111 S Charry St Ste 3200 | Oletho | 0 | SEDE1 2441 | |
| Board Of Equalization | | PO Box 942879 | | Sacramento | T | 94279 | |
| Bodman LLP | Ralph E. McDowell | 100 Renaissance Center | 34th Floor | Detroit | | 48243 | |
| Bond, Schoeneck & King, PLLC | Camille W. Hill | One Lincoln Center | 18th Floor | Syracuse | | 13202 | |
| Bond, Schoeneck & King, PLLC | Charles J. Sullivan | One Lincoln Center | 18th Floor | Syracuse | | 13202 | |
| Bond, Schoeneck & King, PLLC | Stephen A. Donato | One Lincoln Center | 18th Floor | Syracuse | | 13202 | |
| Boone Co Ky | | PO Box 198 | | Burlington | | 41005 | |
| Bose McKinney & Evans LLP | Michael A Trentadue, Carina M de la Torre | 2700 First Indiana Plz | 135 N Pennsylvania St | Indianapolis | | 46204 | |
| Boulder Co Co | Boulder County Treasurer | PO Box 471 | | Boulder | | 80306 | |
| Boulder County Treasurer | Bob Hullinghorst | PO Box 471 | | Boulder | | 80306 | |
| Boult, Cummings, Conners & Berry, PLC | Austin L. McMullen | 1600 Division Street, Suite 700 | PO Box 34005 | Nashville | ĺ | 37203 | |
| Bouit, Cummings, Conners & Berry, PLC | Roger G. Jones | 1600 Division Street, Suite 700 | PO Box 34005 | Nashville | | 37203 | |
| Bourbon Co Ky | Bourbon County Sheriff | 301 Main St | | Paris | | 40361 | |
| Bowle Independent School District | Andrew Dylan Wood | Ray Wood & Bonilla Lip | PO Box 165001 | Austin | × | 78716 | |
| Brembo S.p.A. | Massimilliano Cini | Administration Department via Brembo 25 | 24035 Cumo BG | Bergamo | | | Italy |
| Brevard County Tax Collector | | PO Box 2020 | | Titusville | | 32781 | |
| Brighton City Of Livingston | Treasurer | 200 N First St | | Brighton | | 48116 | |
| Brighton Twp Livingston | Treasurer | 4363 Buno Rd | | Brighton | | 48114 | |
| Brown & Connery, LLP | Donald K. Ludman | 6 North Broad Street | | Woodbury | | 96080 | |
| Brown Rudnick Benack Israels LLP | Robert J. Stark | Seven Times Square | | New York | ž | 10036 | |

| Delphi Corporation | Governmental Entities, Master Service List and 2002 List |
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| Corporation Bits South in 35 PO Box 17429 1429 Austingent Corporation Binney W. Sandrest Linebarger Coagen Blair & Chiefe 190 Box 17420 1429 PO Box 17420 1429 Bulcovers Corporation Binney Weekershile Hat Asc Clines 100 Box 1814 180 FFF Bulcovers Reform Binney March Line And Clines 100 Box 1814 Bulcovers Bulcovers Reform Decental Line Activation and Commission Hat Associated Building Councy Strotus 100 Box 1814 Bulcovers Bulcovers Internation of Line Activation and Line Activation and Commission Hat Associated Building Councy Strotus 100 Box 1814 Bulcovers Bulcovers Internation of Line Activation and Line Activation and Councy Of Councy Strotus 100 Box 1814 Bulcovers Bulcovers Internation of Line Activation and Councy Of Councy Activation and Councy Of Councy Activation and Councy Of Co | Company | Contact | Address1 | Address2 | City | State Zip | Country |
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| Silvan M. Childianson Proceedings State Street | Brownsville Isd | Sampson L | 1949 South Ih 35 | PO Box 17428 7428 | Austin | | 428 |
| Stance Machine Stance St | Brownsville Isd Tx | Brownsville Isd Tax Office | PO Box 4050 | | Brownsville | | |
| Totalion Department of John Processor Totalio | Buchalter Nemer, A Profesional Corporation | Shawn M. Christianson | 333 Market Street | 25th Floor | San Francisco | _ | 126 |
| Page | Buena Vista Twp Saginaw | Buena Vista Twp Treasurer | 1160 S Outer Dr | | Saginaw | MI 48601 | |
| Particle Handle Lerway Particle femator in Falacte Collins & No Pook 8188 | Bureau Of Customs Border Protection | Commisioner | Department Of Homeland Security | 1300 Pennsylvania Ave Nw | Washington | DC 20229 | |
| High continuent is at a common and a commo | Burkburnett Independent School District | Harold Lerew | Perdue Brandon Fielder Collins & Mo | PO Box 8188 | Wichita Falls | TX 76307 | |
| Mideal Lee Hall 420 Notes 501 Per Street 5010 Mideal Lee Hall 420 Notes 5010 Mideal Lee Hall 420 Notes 5010 Mideal Lee Hall 420 Notes 5010 Mideal Lee Hall 420 Notes 5010 Mideal Lee Hall 420 Notes 5010 Mideal Lee Hall 420 Notes 6010 Mideal Lee Hall | Burkburnett Isd Tx | Burkburnett Isd Tax Office | PO Box 608 | | Burkburnett | TX 76364 | |
| Treasurer | Burr & Forman LLP | Michael Leo Hall | 420 North Twentieth Street | Suite 3100 | Birmingham | AL 35203 | |
| Buller Co Courting Steries Building PO Box 100 | Burton City Of Genesee | Treasurer | 4303 S Ctr Rd | | Burton | MI 48519 | |
| Buller Countrouse 100 N Minch | Butler Co Ky | Butler County Sheriff | PO Box 100 | | Morgantown | KY 42261 | |
| Toeseurer Services Building 815 High St 10th FI | Butler Co Mo | Butler Co Courthouse | 100 N Main | | Poplar Bluff | MO 63901 | |
| Treasurer Cabarina Correction | Butler County Treasurer | Government Services Building | 315 High St 10th FI | | Hamilton | OH 45011 | |
| off LLP Caberins Care Collector 66 Church St Sea C Jumphan Care Coulector 1201 F St NW Site 100 C Jumphan Care Care Coulector 1201 F St NW Site 100 C Jumphan Care Care Care Care Care Care Care Care | Byron Twp Kent | Treasurer | 8085 Byron Ctr Ave Sw | | Byron Ctr | | |
| County Treasurer County Freezenger County Treasurer County Freezenger County Treasurer County Freezenger County | Cabarrus Co Nc | Cabarrus Co Tax Collector | 65 Church St Se | | Concord | NC 28026 | |
| C. Sizener E. Abeninan 1473 Severimenth Street C. Jonathan Greenberg 80 Pine Street C. Jonathan Greenberg 80 Pine Street C. Statement Of Information Unit PO Box 94420 C. Condry H. Manina-Raggio PO Box 49420 C. Cameron Corlita H. Assessor/collector PO Box 49420 Condry H. Manina-Raggio PO Box 37 County Of Campbell Treasurer PO Box 37 Office Annean Corlita H. Assessor/collector Office Annean Jolicoeur Office Annean Agency Andrea Sheehan Annean Agency Andrea Sheehan Annean Agency Andrea Sheehan Annean Agency Andrea Sheehan Annean Agency | Cadwalader Wickersham & Taft LLP | Jeannine D'Amico | 1201 F St NW Ste 1100 | | Washington | | |
| County Dictable Ceanbeig 80 Pine Street | Cage Williams & Abelman, P.C. | Steven E. Abelman | 1433 Seventeenth Street | | Denver | CO 80202 | |
| Checker Leads | Cahill Gordon & Reindel LLP | Jonathan Greenberg | 80 Pine Street | | New York | | |
| Jean R. Robertson, Esq. 1400 McDonald Investment Ctr 800 Superior Ave Dorothy H. Marinis-Ragion 1400 McDonald Investment Ctr 17th Floor Dorothy H. Marinis-Ragion 140 East 45th Street 17th Floor Cameron Co. Tax Assessor/collector PO Box 952 17th Floor Diane W Sandsr Linebarger Goggan Blair & Sampson L. 1949 South In 35 78741 PO Box 17428 County Of Campbell Treasurer PO Box 37 Arch Alan Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Andrea Sheehan Law Offices of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 1006 17th Alac Robert E Luna P C | Cahill Gordon & Reindel LLP | Robert Usadi | 80 Pine Street | | New York | NY 10005 | |
| Statement Of Information Unit PO Box 944230 17th Floor Dororby H, Manisk Roggio 140 East 45th Street 17th Floor Cameron CO Tax Assessor/Collector PO Box 952 190 Box 17428 Diane W Sanders Linebarger Goggan Blair & Sampson L 1948 South In 35 78741 PO Box 17428 County Of Campbell Treasurer PO Box 37 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Laurier Ave West 15th Fl Mr Alan Jolicoeur 191 Box 300 14th N Central Expressway School Tax Assessor / Collector 100 Box 300 14th N Central Expressway School Tax Assessor / Collector 100 Lourier 100 Lourier 100 Lourier Catsave County Treasurer PO Box 300 14th W Collex Ave Po Box 17420 14th W Co | Calfee, Halter & Griswold LLC | Jean R. Robertson, Esa. | 1400 McDonald Investment Ctr | 800 Superior Ave | Cleveland | OH 44114 | |
| Treasurer | California Secretary Of State | Statement Of Information Unit | PO Box 944230 | | Sacramento | | 300 |
| Cameron Co Tax Assessor/collector PO Box 952 Dane W Sandets Linebarger Goggan Blair & Date Wasters Linebarger Goggan Blair & 1949 South In 35 78741 PO Box 37 Dane W Sandets Linebarger Goggan Blair & PO Box 37 PO Box 37 Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 191 Laurier Ave West 15th Fl Mr Alain Jolicoeur 275 Pope Rd Ste 103 15th Fl Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway Robert A. Weisberg 300 East Maple Road Third Floor Cass County Treasurer 200 Courf Pk 200 Eour Floor Catawba Co Tax Collector PO Box 388 1701 Lakeside Ave Cherokee Bd Off Collector 100 Box 380 1744 W Colfax Ave Room 384 Cherokee Bd Off Collector 100 Box 17420 144 W Colfax Ave Room 384 Christian County Sheriff 805 Central Ave Ste 600 Treasury Division 12x Walkehgan Ave 144 W Colfax Ave Room 384 | Calinoff & Katz, LLp | Dorothy H. Marinis-Riggio | 140 East 45th Street | 17th Floor | New York | NY 10017 | |
| Diane W Sanders Linebarger Goggan Blair & Sampson L 1949 South In 35 78741 PO Box 17428 Countly Of Campbell Treasurer PO Box 37 15th Fl Countly Of Campbell Treasurer PO Box 37 15th Fl Mr Alain Jolicoeur 191 Laurier Ave Weest 15th Fl Mr Alain Jolicoeur 275 Pope Rd Ste 103 175 Pope Rd Ste 103 Treasurer 275 Pope Rd Ste 103 175 Pope Rd Ste 103 Treasurer PO Box 87010 Aut 1N Central Expressway Robert A Weisberg 200 Ext Maple Rd Ste 103 170 Ext Maple Rd Ste 103 School Tax Assessor / Collector PO Box 110611 Intird Floor Adron R, Cahn 200 Ext Maple Rd Ste 103 Third Floor Catswba Co Tax Collector 100 Ext 10611 Intird Ste 100 Charokee Bd Of Collector 100 Intersice Ave Rd Ste 100 100 Ext 100 Cherokee Bd Of Collector 100 Box 750 144 W Colfax Ave Room 384 Christan County Shriff 501 S Main St 144 W Colfax Ave Room 384 Christan County Shriff 601 Box 1040 144 W Colfax Ave Room 384 Chy If Bristol Tax Collector 102 Box 1040 144 W Colfax Ave Roo | Cameron Co Tx | Cameron Co Tax Assessor/collector | PO Box 952 | | Brownsville | TX 78522 | |
| Sampson L 1949 South In 35 78741 PO Box 17428 County Of Campbell Treasurer PO Box 37 15th FI Mr Alain Jolicoeur 191 Laurier Ave West 15th FI Mr Alain Jolicoeur 191 Laurier Ave West 15th FI Mr Alain Jolicoeur 275 Pope Rd Ste 103 15th FI Treasurer PO Box 87010 15th FI Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 1061 Third Floor Robert A. Weisberg 200 Count P R And Steep Rd Steep | | Diane W Sanders Linebarger Goggan Blair & | | | | | |
| County Of Campbell Treasurer PO Box 37 Mr Alain Jolicoeur 191 Laurier Ave West 15th FI Mr Alain Jolicoeur 191 Laurier Ave West 15th FI Mr Alain Jolicoeur 191 Laurier Ave West 15th FI Treasurer 275 Pope Rd St 103 15th FI Treasurer PO Box 87010 PO Box 87010 Andrea Sheehan 275 Pope Rd St 1033 175 Pope Rd St 103 School Tax Assessor / Collector PO Box 87010 A411 N Central Expressway Robert A. Weisberg PO Box 10651 Third Floor Aaron R. Cahn 2 Wall Steet Third Floor Cats County Treasurer 200 Court Pk PO Box 368 Catswba Co Tax Collector 1701 Laksside Ave PO Box 360 Douglas Deutsch, Esq. 30 Rockefeller Plaza Ste 100 Harris & Literski 305 Rockefeller Plaza Ste 100 Cherckee Bd Of Collector 100 North St Ste 100 Christian County Sheriff 501 S Main St Ste 600 Alth Karen Karnes Bankruptcy Analys PO Box 1390 144 W Colfax Ave Room 384 Cityl If Bristo Tax | Cameron County | Sampson L | 1949 South Ih 35 78741 | PO Box 17428 | Austin | TX 78760-7428 | 428
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| Mr Alain Jolicoeur PO Box 37 15th FI Mr Alain Jolicoeur 191 Laurier Ave West 15th FI Mr Alain Jolicoeur 275 Pope Rd Ste 103 15th FI Treasurer 275 Pope Rd Ste 103 15th FI Andrea Sheehan PO Box 1005 4411 N Central Expressway School Tax Assessor / Collector PO Box 1061 4411 N Central Expressway Robert A. Weisberg Law Offices Of Robert E Luna P C 4411 N Central Expressway Robert A. Weisberg Robert A. Weisberg 120 Example Road Robert A. Weisberg 2 Well Stranger 120 Court Pk Catawbe Cabr 2 Weisberg 120 Court Pk Catawbe County Treasurer 200 Court Pk 2 Weisberg Douglas Deutsch, Esq. 30 Rockefeller Plaza 170 Lakeside Ave Douglas Deutsch, Esq. 30 Rockefeller Plaza Ste 100 Cherskefelld Co Tax Treasurer 100 Box 130 144 W Colfax Ave Room 384 Chesterfield Co Tax Treasurer PO Box 130 144 W Colfax Ave PO Box 17420 Atth Karen Katros Bankruptcy Analys PO Box 1040 144 W Colfax Ave PO Box 17420 Room G 29 | Campbell Co Va | County Of Campbell Treasurer | PO Box 37 | | Rustburg | | |
| Mr Alain Jolicoeur 191 Laurier Ave West 15th Fi Mr Alain Jolicoeur 275 Pope Rd Ste 103 15th Fi Treasurer 275 Pope Rd Ste 103 15th Fi Treasurer PO Box 87010 15th Fi Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 1005 17third Floor Robert A. Weisberg 300 East Maple Road Third Floor Aaron R. Cahn 2 Wall Street 1700 Lourt Pk Cass County Treasurer PO Box 1105 1701 Lakeside Ave Douglas Deutsch, Esq. 300 Roxefeller Plaza 1701 Lakeside Ave Harris & Literski 305 Roxefeller Plaza Ste 100 Cherokee Bd Of Collector 100 North St Ste 600 Cherokee Bd Of Collector 100 North St Ste 600 Christian County Sheriff 501 S Main St Ste 600 Treasury Division 144 W Colfax Ave Room 384 City If Bristol Tax Collector 100 Box 130 144 W Colfax Ave Room 384 City If Bristol Tax Collector 100 Box 1430 144 W Colfax Ave Room 384 | Campbell County Treasurers Office | | PO Box 37 | | Rustburg | | |
| Mr Alain Jolicoeur 191 Laurier Ave West 15th FI 275 Pope Rd Ste 103 275 Pope Rd Ste 103 Treasurer PO Box 87010 Andrea Sheehan PO Box 1005 Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 110611 Third Floor Robert A, Weisberg 200 East Maple Road Third Floor Aaron R, Cahn 200 Court Pk Third Floor Catawba Co Tax Collector PO Box 388 Third Floor Catawba Co Tax Collector 1701 Lakeside Ave 1701 Lakeside Ave Douglas Deutsch, Esq. 302 Road-Reland River 1700 Land River Harris & Literski 305 S Main St Ste 100 Chesterfield Co Tax Treasurer PO Box 750 PO Box 17420 Christian County Sheriff 501 S Main St Ste 600 Attn Karen Katros Bankruptoy Analys Monichols Coulcid Cri Bidg 144 W Coffax Ave Room 384 City if Bristol Tax Collector PO Box 4130 142 W Michigan Ave Room Tax Division 1 Cascade Paza 11th Fl Income Tax Division 1 C | Sanada Border Service Agency | Mr Alain Jolicoeur | 191 Laurier Ave West | 15th FI | Ottawa | | |
| Treasurer 275 Page RG Ste 103 Treasurer POB Box 87001 Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 1061 1 Third Floor School Tax Assessor / Collector 20 Box 11061 1 Third Floor Aaron K Zahn 20 Box 300 East Maple Road Third Floor Catawba Co Tax Collector 20 Box 368 Third Floor Catawba Co Tax Collector 1701 Lakeside Ave 1701 Lakeside Ave Douglas Deutsch, Esq. 300 Court Pr 300 Eost Main St Cherokee Bd Of Collector 100 North St Ste 100 Cherokee Bd Of Collector 100 North St Ste 600 Philip A Bates Pa 501 S Main St Ste 600 Christian County Sheriff 805 Central Ave PO Box 1380 Attn Karen Katros Bankruptcy Analys Mcnichols Civic Ctr Bidg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 1440 PO Box 17420 Roon Go Soult All Policy Ave PO Box 1440 PO Box 17420 Roon Go Soult All Policy Ave Room 384 City If Bristol Tax Collector | Sanada Border Service Agency | Mr Alain Jolicoeur | 191 Laurier Ave West | 15th FI | Ottawa | ON K1A 0L8 | Canada |
| Treasurer 275 Pope Rd Ste 103 Andrea Sheehan Law Offices of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 10061 Third Floor Robert A, Weisberg 2 Wall Street Third Floor Aaron R. Cahn 2 Wall Street Third Floor Cass County Treasurer 20 Court Pk Third Floor Cass County Treasurer 20 Box 368 Third Floor Douglas Deutsch, Esq. 30 Rockefeller Plaza Third Floor Douglas Deutsch, Esq. 30 Rockefeller Plaza Ste 100 Cherokee Bd Of Collector 100 North St Ste 100 Cherokee Bd Of Collector 100 North St Ste 600 Philip A Bates Pa PO Box 1390 Third March Ratros Bankruptcy Analys PO Box 1390 Christian County Sheriff 805 Central Ave I PO Box 17420 144 W Colfax Ave I PO Box 17420 Atth Karen Katros Bankruptcy Analys Mcnichols Civic Cir Bidg 142 W Michigan Ave Room G 29 1 Cascade Box 1040 Room G 29 Room G 29 1 Cascade Box 130 Room G 29 Income Tax Division 1 Casca | Canada Customs And Revenue Agency | | 275 Pope Rd Ste 103 | | Summerside Pe | C1N 6A2 | |
| Treasurer PO Box 87010 Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 110611 Third Floor Robert A. Weisberg 300 East Maple Road Third Floor Cass County Treasurer 2 Wall Street Avail Street Catawba Co Tax Collector PO Box 368 T701 Lakeside Ave Douglas Deutsch, Esq. 822 Egrand River Ste 100 Harris & Literski 30 Rockefeller Plaza Ste 100 Cherokee Bd Of Collector 100 North St Ste 100 Cherokee Bd Of Collector 100 North St Ste 100 Cherokee Bd Of Collector PO Box 1360 HAW Colfax Ave Poon 384 Christian County Sherfiff 805 Central Ave PO Box 17420 Attn Karen Katros Bankruptcy Analys Monichols Civic Ctr Bldg HAW Worldsn Ave Cityl Flaristol Tax Collector PO Box 1040 PO Box 1040 Room G 29 14 W Wichigan Ave PO Box 1040 Room G 29 1 Cascade Plaza 11th Fl Income Tax Division PO Box 430 | Canada Customs And Revenue Agency | | 275 Pope Rd Ste 103 | | Summerside Pe | | Canada |
| Andrea Sheehan Law Offices Of Robert E Luna P C 4411 N Central Expressway School Tax Assessor / Collector PO Box 110611 Third Floor Robert A. Weisberg 300 East Maple Road Third Floor Cass County Treasurer 200 Court Pk Third Floor Cass County Treasurer 200 Court Pk Expression of the count of | Santon Twp | Treasurer | PO Box 87010 | | Canton | | |
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| School of States and | Carrollton Farmers Branch Independent School | Chooper A | ۵ | MAAA N Control Expression | مادر | 76206 | |
| School flax Absessor / Collector PO Box 1 100 IT Achool flax Absessor / Collector 2 Wall Street Acass County Treasurer 200 Court Pk Catawba Co Tax Collector 200 Court Pk Catawba Co Tax Collector 1701 Lakeside Ave Douglas Deutsch, Esq. 30 Rockefeller Plaza Harris & Literski 305 S Main St Cherokee Bd Of Collector 100 North St Cherokee Bd Of Collector 100 North St Chesterfield Co Tax Treasurer PO Box 750 Philip A Bates Pa PO Box 1390 Christian County Sheriff 501 S Main St 176 Att Kreen Katros Bankruptcy Analys Monichols Circ Bldg 144 W Colfax Ave PO Box 17420 Attr Karen Katros Bankruptcy Analys Monichols Circ Bldg 142 W Michigan Ave City If Bristol Tax Collector PO Box 1040 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th F1 Income Tax Division PO Box 430 | District | Andrea Sneenan | L | 44 I I N Central Expressway | Dallas | | |
| Arbeit A., Weisseld Arbeit A., Weisseld Third Troor Cass County Treasurer 200 Court Pk 1701 Lakeside Ave Catawba Co Tax Collector 1701 Lakeside Ave 1701 Lakeside Ave Douglas Deutsch, Esq. 30 Rockefeller Plaza 1822 E Grand River Harris & Literski 305 S Main St Ste 100 Cherokee Bd Of Collector 100 North St Ste 100 Chesterfield Co Tax Treasurer PO Box 750 PO Box 750 Philip A Bates Pa FO Box 1390 Ste 600 Christian County Sheriff 805 Central Ave Ste 600 Treasury Division Main St 144 W Colfax Ave / PO Box 17420 Attr Karen Katros Bankruptcy Analys Mcnichols Cric Eldg 144 W Colfax Ave Room 384 City If Fairtol Tax Collector PO Box 100 PO Box 17420 Room G 29 142 W Michigan Ave PO Box 100 Income Tax Division PO Box 430 PO Box 430 | Carroliton Farmers Branch Iso 1X | School Tax Assessor / Collector | 200 Eact Mario Bood | Heird Floor | Carrollton | 1X /5011 | 24.7 |
| Catawba Co Tax Collector 200 County Catawba Co Tax Collector PO Box 368 Douglas Deutsch, Esq. 30 Rockefeller Plaza Harris & Literski 30 Rockefeller Plaza Cherokee Bd Of Collector 100 North St Chesterfield Co Tax Treasurer PO Box 750 Philip A Bates Pa PO Box 1390 Christian County Sheriff 805 Central Ave Rob S A Toto 144 W Colfax Ave Foom 384 Attn Karen Katros Bankruptcy Analys Marichols Civic Ctr Bldg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 100 Ctr Bldg 142 W Michigan Ave Room G 29 142 W Michigan Ave 100 Rox 100 Ctr Bldg Income Tax Division PO Box 430 | Catariladian F.E.C. | Agron D Caba | 2 Wall Stroot | | Now York | NIV 40005-0 | 2 |
| Catawba Cor Tax Collector PO Box 36R Douglas Deutsch, Esq. 30 Rockefeller Plaza Harris & Literski 30 Rockefeller Plaza Harris & Literski 305 Main St Cherokee Bd Of Collector 100 North St Chesterfield Co Tax Treasurer PO Box 750 Philip A Bates Pa 501 S Main St Christian County Sheriff 805 Central Ave For Sox Tso 144 W Colfax Ave / PO Box 17420 Treasury Division 144 W Colfax Ave / PO Box 17420 Attn Karen Katros Bankruptcy Analys PO Box 10vic Ctr Bldg Attn Karen Katros Bankruptcy Analys PO Box 10vic Ctr Bldg Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th F1 Ireasury Division PO Box 430 | Case County In | Cass County Treasurer | 200 Court Pk | | l odansport | | |
| Douglas Deutsch, Esq. 30 Rockefeller Plaza Harris & Literski 30 Rockefeller Plaza Harris & Literski 305 Main St Cherokee Bd Of Collector 100 North St Chesterfield Co Tax Treasurer PO Box 7590 Philip A Bates Pa PO Box 7390 Christian County Sheriff PO Box 7390 Christian County Sheriff 805 Central Ave Treasury Division 144 W Colfax Ave / PO Box 17420 Attın Karos Bankruptcy Analys 144 W Colfax Ave / PO Box 17420 Attın Karos Bankruptcy Analys PO Box 100 Box 100 Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | Catawha Co No | Catawba Co Tax Collector | PO Box 368 | | Newton | | |
| Douglas Deutsch, Esq. 30 Rockefeller Plaza Harris & Literski 822 E Grand River Cherokee Bd Of Collector 305 S Main St Chesterfield Co Tax Treasurer PO Box 7390 Philip A Bates Pa PO Box 7390 Christian County Sheriff 90 Box 7390 Treasury Division 144 W Colfax Ave / PO Box 17420 Attin Karos Bankruptcy Analys 144 W Colfax Ave / PO Box 17420 Attin Karos Bankruptcy Analys PO Box 100 Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | Cca Municipal Income Tax | | 1701 Lakeside Ave | | Cleveland | | 179 |
| Harris & Literski 822 E Grand River Ste 100 Cherokee Bd Of Collector 100 North St Ste 100 Chesterfield Co Tax Treasurer PO Box 750 PO Box 1390 Philip A Bates Pa PO Box 1390 Robor 1390 Christian County Sheriff 805 Central River Ste 600 Treasury Division 144 W Colfax Ave / PO Box 17420 144 W Colfax Ave Room 384 Atth Karen Katros Bankruptcy Analys Monichols Civic Ctr Bidg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 1040 142 W Michigan Ave Room G 29 142 W Michigan Ave 1 Cascade Plaza 11th Fl Income Tax Division PO Box 430 | Chadbourne & Parke LLP | Douglas Deutsch. Esg. | 30 Rockefeller Plaza | | New York | | |
| Cherokee Bd Of Collector 305 S Main St Ste 100 Chesterfield Co Tax Treasurer PO Box 750 PO Box 1390 Philip A Bates Pa PO Box 1390 PO Box 1390 Christian County Sheriff 805 Central Ave / PO Box 17420 Ste 600 Treasury Division 144 W Colfax Ave / PO Box 17420 144 W Colfax Ave Room 384 Attn Karen Katros Bankruptcy Analys Monichols Civic Ctr Bldg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 1040 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | Charter Township Of Brighton | Harris & Literski | 822 E Grand River | | Brighton | | |
| Cherokee Bd Of Collector 100 North St Chesterfield Co Tax Treasurer PO Box 750 Philip A Bates Pa PO Box 1390 Christian County Sheriff 501 S Main St Ros S Central Ave Ste 600 Treasury Division 144 W Colfax Ave / PO Box 17420 Attn Karen Katros Bankruptcy Analys Monichals Civic Ctr Bidg City If Bristol Tax Collector PO Box 1040 Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | Chelsea | | 305 S Main St | Ste 100 | Chelsea | MI 48118 | |
| Chesterfield Co Tax Treasurer PO Box 750 Philip A Bates Pa PO Box 1390 Christian County Sheriff 501 S Main St Robert Strain County Sheriff 805 Central Ave Treasury Division 144 W Colfax Ave / PO Box 17420 Attn Karen Katros Bankruptcy Analys Monichols Civic Cir Bidg City If Bristol Tax Collector PO Box 1040 Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | Cherokee Co Ga | Cherokee Bd Of Collector | 100 North St | | Canton | GA 30114 | |
| Philip A Bates Pa PO Box 1390 Christian County Sheriff 501 S Main St Christian County Sheriff 805 Central Ave Treasury Division 144 W Colfax Ave / PO Box 17420 Attr Karen Katros Bankruptcy Analys Monichols Civic Ctr Bldg City If Bristol Tax Collector PO Box 1040 Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | Chesterfield Co Sc | Chesterfield Co Tax Treasurer | PO Box 750 | | Chesterfield | SC 29709 | |
| Christian County Sheriff 501 S Main St Ste 600 Treasury Division 144 W Colfax Ave / PO Box 17420 Ste 600 Attn Karen Katros Bankruptcy Analys Monichols Civic Ctr Bldg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 1040 142 W Michigan Ave Room G 29 142 W Michigan Ave 1 Cascade Plaza 11th Fl Income Tax Division PO Box 430 | Chris Hughes Okaloosa County Tax Collector | Philip A Bates Pa | PO Box 1390 | | Pensacola | FL 32591-1390 | 390 |
| Treasury Division 805 Central Ave Ste 600 Treasury Division 144 W Colfax Ave / PO Box 17420 144 W Colfax Ave Room 384 Akhr Karen Katros Bankruptcy Analys Monichols Civic Ctr Bldg 144 W Colfax Ave Room 384 Cityl Bristol Tax Collector Monichols Civic Ctr Bldg 144 W Colfax Ave Room 384 Room G 29 142 W Michigan Ave 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th Fl PO Box 430 PO Box 430 | Christian Co Ky | Christian County Sheriff | 501 S Main St | | Hopkinsville | KY 42240 | |
| Treasury Division 144 W Colfax Ave / PO Box 17420 Attn Karen Katros Bankruptcy Analys Mcnichols Civic Ctr Bldg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 1040 144 W Colfax Ave Room 384 Room G 29 142 W Michigan Ave 1 Cascade Plaza 11th Fl Income Tax Division PO Box 430 | Cincinnati Income Tax Division | | 805 Central Ave | Ste 600 | Cincinnati | OH 45202-5756 | 756 |
| Attn Karen Katros Bankruptcy Analys Mcnichols Civic Ctr Bldg 144 W Colfax Ave Room 384 City If Bristol Tax Collector PO Box 1040 142 W Michigan Ave Room G 29 142 W Michigan Ave 1 Cascade Plaza 11th Fl Income Tax Division PO Box 430 | City & County Of Denver Co | Treasury Division | 144 W Colfax Ave / PO Box 17420 | | Denver | | |
| City If Bristol 1 ax Collector PO Box 1040 Room G 29 142 W Michigan Ave Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | City And County Of Denver Treasury | Attn Karen Katros Bankruptcy Analys | Mcnichols Civic Ctr Bldg | 144 W Colfax Ave Room 384 | Denver | | 391 |
| Room G 29 Income Tax Division 1 Cascade Plaza 11th FI Treasury Division PO Box 430 | City If Bristol Ct | City if Bristol Tax Collector | PO Box 1040 | | Bistol | | 11 |
| Treasury Division PO Box 430 | City Income Lax | Koom 6 29 | 142 W Michigan Ave | | Lansing | | 097 |
| Teasury Unision Pro Box 430 | City Of Akron Onio | Income lax Division | 1 Cascade Plaza Titn Fl | | Akron | | 100 |
| | Oity Of bowling Green hy | I reasury Division | PO Box 430 | | DOWING GLEEN | KY 42102-0430 | 430 |

| Company | Contact Meadure Linkston | Address1 | Address2 | City | State Zip | Country |
|---|--|---------------------------------|---------------------------|-------------------|------------|----------------|
| City Of San Marcos | Sampson L | 1949 South lh 35 78741 | PO Box 17428 | Austin | 78760-7428 | |
| City Of Selmer Tn | City Tax Collector | 144 N 2nd St | | 5- | Т | - |
| City Of Shelbyville Tn | Shelbyville Treasurer | 201 N Spring St | | <u></u> | | 4 4 |
| City Of Southington Ct | City Of Southington Tax Collector | PO Box 579 | | _ | Γ | |
| City Of Toledo | Division Of Taxatlon | One Government Ctr Ste 2070 | | | | |
| City Of Torrington Ct | City Of Torrington Tax Collector | PO Box 839 | | Torrington CT | 06790 | |
| City Of Tuscaloosa | Revenue Dept | PO Box 2089 | | Tuscaloosa AL | 35603 | |
| City Of Vandalia | | 333 James E Bohanan Memorial Dr | | Vandalia OF | | |
| City Of Walker | Income Tax Administrator | PO Box 153 | | Rapids | | |
| City Of Warren Income Tax | | PO Box 230 | | | 44482 | |
| City Of Waterbury Ct | City Of Waterbury Tax Collector | PO Box 2556 | | Waterburry | | |
| City Of Watertown Ct | City Of Watertown Tax Collector | PO Box 224 | | | 06795 | |
| City Of Wentzville Mo | City Collector | 310 W Pearce Blvd | | Wentzville MO | 5 63385 | |
| City Of Wichita Falls Tx | Director Of Finance | City Of Wichita Falls | PO Box 1431 | SII | | .o |
| Clark Co Nv | Clark County Assessor | 500 S Grand Central Pkwy | PO Box 551401 | Las Vegas NV | | |
| Clark Co Wa | Clark County Treasurer | PO Box 9808 | | Vancouver WA | 99986 | L-, |
| Clark County Ar | Clark County Counthouse | 401 Clay St | | a | 71923 | |
| Clark County Treasurer | | 31 N Limestone St | PO Box 1305 | Springfield OH | 46502 | |
| Clark Hill PLC | Joel D. Applebaum | 500 Woodward Avenue | Suite 3500 | Detroit | 48226-3435 | |
| Clark Hill PLC | Shannon Deeby | 500 Woodward Avenue | Suite 3500 | Detroit | 48226-3435 | - |
| Clark Hill PLLC | Robert D. Gordon | 500 Woodward Avenue | Suite 3500 | Detroit | 48226-3435 | _ |
| Clay Co Mo | Clay County Collector | PO Box 219808 | | Kansas City MC | 5 64121 | |
| Clayton County Ga | Clayton County Tax Commissioner | 121 S Mcdonough St | Courthouse Annex 3 2nd Fi | Jonesboro GA | 30236 |) = |
| Cleary Gottlieb Steen & Hamilton LLP | Deborah M. Buell | One Liberty Plaza | | New York N | 10006 | |
| Cleary, Gottlieb, Steen & Hamilton LLP | James L. Bromley | One Liberty Plaza | | New York NY | | 2
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| Cleveland Co Nc | Cleveland Co Tax Collector | PO Box 370 | | Shelby | | |
| Clinton City Recorder | | 100 Bowling St City Hall | | Clinton | 37716 | 8 |
| Clinton County in | Clinton County Treasurer | 220 Courthouse Sq | | Frankfort | | 3 |
| Clio City Of Genesee | City Treasurer | 505 W Vienna St | | | 48420 | |
| Cobb County Ga | Cobb County Tax Commissioner | 100 Cherokee St | Ste 250 | Marietta | T | f 9 |
| Cohen & Grigsby, P.C. | Thomas D. Maxson | 11 Stanwix Street | 15th Floor | | | |
| Cohen, Weiss & Simon | Bruce Simon | 330 W. 42nd Street | | | | |
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| Cohn Birnbaum & Shea P.C. | Scott D. Rosen, Esq. | 100 Pearl Street, 12th Floor | | | - | |
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| Collector Of Revenue | | 41 S Central Ave | | Clayton | | |
| Collin Co Tx | Collin Co Tax Assessor / Collector | PO Box 8006 | | ley | | |
| Colondo Deservation Of Deservation | Gay Mccall Isaacks Et Al | 777 E 15th St | | Plano | T | / <u>1</u> |
| Columbiana County Treasurer | | DO Dev 480 | | Denver
1 1-hor | 80261-0006 | _
_ |
| Comal Co Tx | Comal Co Tax Assessor / Collector | 311445 | | Salimfala | 1 | Z' |
| Commissioner Of Revenue Services | Department Of Revenue Services | PO Box 2938 | | T | Τ | |
| Commonwealth Of Kentucky Department Of | Wendy L Stephens Kentucky Department Of | | | | Τ | 15 |
| Revenue | Revenue | 100 Fair Oaks 5th Fl | PO Box 491 | Frankfort KY | 40602-0491 | |
| Commonwealth Of Massachusetts Department Of | | | | | - | - |
| Revenue
Companie Of Maniera | Anne Chan | Bankruptcy Unit Mdor | PO Box 9564 | | T | T |
| | 3 | Revenue Administration Division | | Silo | | 1 |
| Comptroller Of Public Accounts | lexas Sales & Use lax Division | 111 E 175 ST | 007 - 77 · 0 | | | Ī |
| Confin, McNenney & Philiprick, P.C. | Bruce N. Ellon | 350 South Main Street | Sulle 400 | or | | T |
| Connecticit Secretary Of State | Document Beriam | 20 Tricity Ct DO Box 150/70 | | Harded | 06106-5032 | T |
| Connolly Boye Ladge & Hutz 1 P | Leffrey C. Waster Hag | 1007 N Orange Street | P O Box 2207 | 5 | T | T |
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| יאווון לשלושו ונושוויקאיוויון ביביא. | MAIR had valing Statisti, bill mally, your over | 4 I I YVOSI L'AUIGIII AVOILMO | Suite 253 | | | 7 |

| 1 110 | | | | | | | |
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| Service | Internal Revenue Service | 290 Broadway 5th Fi | | New York | × | 10007 | |
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| Detroit City Of Wayne | Department 268301 | City Of Detroit Property Tax | PO Box 55000 | Detroit | M | 48255 | |
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| Treasurer | 300 Hillman Dr | | Cortland | Н | 44410 |
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|---|--|------------------------------|-----------------------------------|-----------------|-------------|-------------|
| Madison Co Tn | Madison County Trustee | 100 E Main | Rm 107 | Jackson | Į. | 38301 |
| Madison County Al | Madison County Collector | 100 Northside Square | County Courthouse | Huntsville | ¥ | 35801 |
| Madison County In | Madison County Treasurer | 16 E 9th St | | Anderson | Z | 46016 |
| Madison County Indiana Treasurer | C O Thomas M Beeman | 33 W 10th St Ste 200 | | Anderson | Z | 46016 |
| Madison Heights City Of Oakland | | 300 W 13 Mile Rd | | Madison Heights | Z | 48071 |
| Madison Twp Lenawee | | 301 N Main St Old Courthouse | | Adrian | Ξ | 49221 |
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| Marion Co Ky | Marion County Sheriff | 102 W Main St | Courthouse | I ehanon | Į≥ | 40033 |
| Marion Co Ms | Marion Co Tax Collector | 250 Board St | Ste 3 | Columbia | W | 39429 |
| Marion Co Sc | Marion Co Tax Treasurer | PO Box 275 | | Marion | 2 6 | 20574 |
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| Medonald County Collector Cloteal Atkins | otephien b. deibat | Sec 726 | | New York | ž | 1001/ |
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| Pima Co Az | | Pima County Treasurer | 115 N Church Ave | Tucson | Γ | 85701 |
| Pima County Treasurer Pima County Assessor Pima | · | | | , | | oran |
| County Arizona | Fima County Attorneys Office Civil | 3Z N Sione Ave Sie Z100 | | lucson | ! ! | 10/00 |
| Final County Teasurer | Dolores J Dogima | FO 80x 729 | | Florence | T | 99232-0129 |
| Prielias County Lax Collector | THE CONTRACTOR OF THE CONTRACT | PU 60X 10632 | | Clearwater | | 90707 |
| Prymouth 1 wp vyayne | Ireasurer | PO Box 8040 | | - Industrial | 1 | 401/0 |
| Pork County 1ax Conector | | PO 50X 1158 | | Dontian | | 48343 |
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| Ripley County In | Ripley County Treasurer | PO Box 176 | | Versalles | 2 | 47042 |
| Riverside Claims LLC | Holly Rogers | 2109 Broadway | Sulte 206 | New York | | 10023 |
| Riverside County Collector | | P O 12005 | | Kiverside | | 70076 |
| Robertson Co Tn | Robertson County Trustee | 515 S Brown St | | Springfleta | 2 9 | 37172 |
| Robinson, McFadden & Moore, P.C. | Annemarie B. Mathews | P.O. Box 944 | | Columbia | <u>ي</u> | 20262 |
| Rochester Hills City Of Oakland | Drawer 7783 | PO Box 79001 | | Detroit | Z Č | 48279 |
| Rogers County Treasurer | | PO Box 699 | | Claremore | ž | /4018 |
| Ronald A Leggett Collector Of Rev | Ronald A Leggett Collector Of Reven | 109 City Hall | | Si Louis | Ş (| 63103 |
| Ropers, Majeski, Kohn & Bentley | Christopher Norgaard | 515 South Flower Street | Suite 1100 | Los Angeles | 5 | 80071 |
| Ropes & Gray LLP | Gregory O. Kaden | One International Place | | Hoston | MA
S | 02110-2024 |
| Ropes & Gray LLP | Marc E. Hirschfield | 45 Rockefeller Plaza | | New YORK | ž | 1011-1101 |
| Rosen Slome Marder LLP | Thomas R. Slome | 333 Earle Ovington Boulevard | Suffe 901 | Uniondale | ž | 11533 |
| Roseville City Of Macomb | City Treasurer | PO Box 290 | | Roseville | Mi. | 48066 |
| Rothchild Inc. | David L. Resnick | 1251 Avenue of the Americas | | New York | ž | 10020 |
| Roval Oak City Of Oakland | Treasurers Office | PO Box 64 | | Royal Oak | Σ | 48066 |
| Russell Co Va | Russell Co Treasurer | PO Box 121 | | Lebanon | ≶. | 24266 |
| Russell Reynolds Associates, Inc. | Charles E. Boulbol, P.C. | 26 Broadway, 17th Floor | | New York | ξ. | 10004 |
| Sachnoff & Weaver, Ltd | | 10 South Wacker Drive | 40th Floor | Chicago | ⊒ : | 90909 |
| Sachnoff & Weaver, Ltd | Charles S. Schulman | 10 South Wacker Drive | 40th Floor | Chicago | 2 3 | 90900 |
| | | 1215 C Machinaton Ave | | Sections | 5 | - |

| Company | Contact | Address1 | Address2 | City | State | Zip | Country |
|--|--|-----------------------------------|----------------------------------|---------------|--------|------------|---------|
| Silver Point Capital, L.P. | | Two Greenwich Plaza | 1st Floor | Greenwich | CT | | |
| Simpson Thatcher & Bartlett LLP | Kenneth S. Ziman, Robert H. Trust, William T. Russell, Jr. | 425 Lexington Avenue | | New York | È | 10017 | |
| Skadden, Arps, Slate, Meagher & Flom LLP | John Wm. Butler, John K. Lyons, Ron E. Meisler | 333 W. Wacker Dr. | Suite 2100 | Chicago | | 90909 | |
| Skadden, Arps, Slate, Meagher & Flom LLP | Kayalyn A. Marafioti, Thomas J. Matz | 4 Times Square | P.O. Box 300 | New York | ž | 10036 | |
| Smith Co Ms | Smith County Tax Collector | PO Box 157 | | Raleigh | WS | 39153 | |
| Smith Co Tn | Smith County Trustee | 122 Tumer High | Ste 104 | Carthage | Z | 37030 | |
| Smith Co Trustee | | 122 Turner High Cir Ste 104 | | Carthage | Z | 37030 | |
| Smith County Trustee | Jamie D Winkler | PO Box 332 | | Carthage | ĸ | 37030 | |
| Smith, Gambrell & Russell, LLP | Barbara Ellis-Monro | 1230 Peachtree Street, N.E. | Suite 3100 | Atlanta | ₹ | 30309 | |
| Smith, Katzenstein & Furlow LLP | Kathleen M. Miller | 800 Delaware Avenue, 7th Floor | P.O. Box 410 | Wilmington | 핌 | 19899 | |
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| Sonnenschein Nath & Rosenthal LLP | Robert E. Richards | 8000 Sears Tower | 233 South Wacker Drive | Chicago | = | 90909 | |
| Sony Flectronics Inc | Lloyd B. Sarakin - Chief Counsel, Finance and | 1 Sony Drive | # CM | 200 | 2 | 07656 | |
| South Carolina Dent Of Revenue | - Cooperation of the Cooperation | Compation | | Columbia | 20 | 20214.0006 | T |
| Spalding County Ga | Spalding County Tax Commissioner | PO Box 509 | | Columbia | 3 5 | 30224 | |
| Spartanbura Co Sc | Spartanburg Co Treasurer | PO Rox 5807 | | Spartanhim | 5 6 | 29304 | |
| Spartanburg Co Tax Collector | Glenda Owright | Drawer 3060 | | Spartanburg | 200 | 29304 | |
| Spencer Fane Britt & Browne LLP | Daniel D. Doyle | 1 North Brentwood Boulevard | Tenth Floor | St. Louis | 8 | 63105 | |
| Spencer Fane Britt & Browne LLP | Nicholas Franke | 1 North Brentwood Boulevard | Tenth Floor | St. Louis | Ø
¥ | 63105 | |
| Squire, Sanders & Dempsey L.L.P. | Eric Marcks | One Maritime Plaza | Suite 300 | San Francisco | ₹ | 94111-3492 | |
| Squire, Sanders & Dempsey L.L.P. | Penn Ayers Butler | 600 Hansen Way | | Palo Alto | 5 | 94304 | |
| St Charles Co Mo | St Charles Co Tax Collector | 201 N Second St | Room 134 | St Charles | MO | 63301 | |
| St Charles County Collector | | 201 N Second St Rm 134 | | St Charles | ω | 63301-2789 | |
| St Johns County Tax Collector | Dennis W Hollingsworth | PO Box 9001 | | St Augustine | 급 | 32085-9001 | |
| St Joseph County In | St Joseph County Treasurer | 227 W Jefferson Blvd | | South Bend | Z | 46601 | |
| St Louis Co Mo | St Louis Co Government | Collector Of Revenue | PO Box 11491 | St Louis | 8 | 63105 | |
| Stanly Co No | Stanly Co Tax Collector | 201 S 2nd St | | Albemarie | ဎ | 28001 | |
| Starpoint Ny | Starpoint Tax Collector | PO Box 3000 | | Buffalo | ≱ | 14240 | |
| State Corporation Commission | Clerks Office | PO Box 85577 | | Richmond | ≸: | 23285-5577 | |
| State Of Alabama Department Of Revenue | Legal Division | PO Box 320001 | | Montgomery | ₹ | 36132-0001 | |
| State of California Office of the Attorney General | Sarah E. Morrison | Deputy Attorney General | 300 South Spring Street Ste 1702 | Los Angeles | 8 | 90013 | |
| late Of Colorado | Division of insurance | Tool Broadway Ste 650 | | Denver | 3 ! | 80202 | |
| State Of Delaware | Division Of Corporations | PO Box 74072 | | Baltimore | ₽ | 21274-4072 | |
| State Of Georgia | Department Of Revenue | PO Box 105284 | | Atlanta | Ą | 30348 | |
| State Of Louisiana | Louisiana Department Of Revenue | PO Box 66658 | | Baton Rouge | ≤ | 70896 | |
| State Of Louisiana Department Of Revenue | | PO Box 66658 | | Baton Rouge | ≤ | 70896 | |
| State Of Maryland Comptroller Of Treasury | Mary T Carr | State Office Bldg Rm 409 | 301 W Preston St | Baltimore | Ω | 21201 | |
| State Of Maryland Md | Maryland State Dept Of Assessments & Taxation | Personal Property Division | 301 W Preston St | Baltimore | Ā | 21201 | |
| State Of Michigan | Department Of Treasury | PO Box 77003 | | Detroit | Ξ | 48277 | |
| State Of Michigan | Motor Fuel Tax Division | Department 77692 | | Detroit | Ξ | 48277 | |
| State Of Michigan | Sales & Use Tax Division | PO Box 77003 | | Detroit | ≅ | 48277 | |
| State of Michigan Department of Labor & Economic | | | | | | | |
| Growin, Unemployment insurance Agency | Koland Hwang, Assisiant Allorney General | 3030 W. Grand Boulevard | Suite 9-600 | Detroit | Σ | 48202 | |
| State Of Michigan Department Of Treasury | Attn Peggy A Housner Assistant Attorney General | Cadillac Pi | 3030 W Grand Blvd Ste 10 200 | Detroit | Z | 48202 | |
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| State Of New Jersey | Bureau Of Commercial Recording | PO Box 34089 | | Newark | 3 | 07189-0001 | |
| State Of New Jersey | Division Of Taxation | Compliance Activity | PO Box 245 | Trenton | 3 | 08695 | |
| state Of New Jersey | Division Of Taxation | Revenue Processing Ctr | PO Box 666 | Trenton | 3 | 08646-0666 | |

| Company Thacher Proffitt & Wood I I P | Contact | Tro World Financial Contra | Address2 | City | State | Zip | Country |
|---|---|---------------------------------|---------------------------------|---|----------|-------------|---------|
| The Commonwealth Of Massachusetts | Socretary Of The Commonwealth | One Achtude Di | | New York | ž. | 10281 | |
| THE COLUMN CANADA COLORERS | Secretary Of the Commonwealth | One Ashburton Pi | | Boston | ₹ | 02108-1512 | |
| The Furukawa Electric Co., Ltd. | Mr. Tetsuhiro Niizeki | 6-1 Marunouchi | 2-Chrome, Chiyoda-ku | Tokvo | Japan | 100-8322 | |
| The Timpken Corporation BIC - 08 | Robert Morris | 1835 Dueber Ave. SW | PO Box 6927 | Canton | 딩 | 44706-0927 | |
| The US Attomey for the Eastern District of Michigan | | 211 West Fort Street Suite 2001 | | Detroit | 2 | 10008 | |
| Thelen Reid Brown Raysman & Steiner LLP | David A. Lowenthal | 875 Third Avenue | | New York | <u> </u> | 10022 | |
| Thompson & Knight | Rhett G. Cambell | 333 Clav Street | Suite 3300 | Houston | × | 77002 | |
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| Thurman & Phillips, P.C. | Ed Phillips, Jr. | 8000 IH 10 West | Suite 1000 | San Antonio | × | 78230 | |
| Tippecanoe County In | Tippecanoe County Treasurer | 20 N 3rd St | | Lafavette | Z | 47901 | |
| Tipton County In | Tipton County Treasurer | Courthouse | | Tipton | Z | 46072 | |
| Todd & Levi, LLP | Jill Levi, Esq. | 444 Madison Avenue | Suite 1202 | New York | ž | 10022 | |
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| Togut, Segal & Segal LLP | Albert Togut, Esq. | One Penn Plaza | Suite 3335 | New York | ž | 10119 | |
| Town Of Berlin Ct | Town Of Berlin Tax Collector | 240 Kensington Rd | | Berlin | ᇈ | 06037 | Ī |
| Town Of Burlington | | PO Box 376 | | Burlington | Ψ | 01803 | |
| Town Of Coaling Alabama | Alatax | 3001 Second Ave South | | Birmingham | 占 | 35233 | |
| Town Of Decatur Ms | Town Of Decatur Ms | PO Box 307 | | Decatur | MS | 39327 | |
| Town Of Hingham Ma | Town Of Hingham | 210 Central St | | Hingham | ΜA | 02043 | |
| Town Of Lebanon Va | Town Of Lebanon | 244 W Main St | | Lebanon | ≸ | 24266 | |
| Town Of Lockport Ny | Town Of Lockport | Receiver Of Taxes | PO Box 4610 | Buffalo | ≱ | 14240 | |
| Town Of Snow Hill No | Town Of Snow Hill Tax Collector | 201 North Greene St | | Snow Hill | NC | 28580 | |
| Town Of South Windsor Ct | Town Of South Windsor | Collector Of Revenue | PO Box 30002 | Hartford | 占 | 06150 | |
| Traverse City Of Grand Traverse | City Treasurer | Governmental Ctr | 400 Boardman Ave | Traverse City | Ξ | 49684 | |
| Iravis Co IX | Travis Co Tax Assessor /collector | PO Box 970 | | Austin | ř | 78767 | |
| Treasurer City Of Flint | Income Tax Office | PO Box 1800 | | Flint | Ξ | 48501-1800 | |
| Treasurer City Of Pontiac | Income Tax Division | 47450 Woodward Ave | | Pontiac | MI | 48342 | |
| Treasurer Of Kosciusko County | | 100 W Ctr St | | Warsaw | <u> </u> | 46580 | |
| Treasurer Of Tipton County | | Courthouse | | Tipton | Z | 46072 | |
| Treasurer Of Vigo County | David Crockett | PO Box 1466 | | Indianapolis | z | 46206-1466 | |
| Trey Grayson | Secretary Of State | PO Box 1150 | - | Frankfort | ₹ | 40602-1150 | |
| Iroup County Ga | Troup County Tax Commissioner | 100 Ridley Ave | | La Grange | GA | 30240 | |
| Troy City Of Oakland | Drawer 0101 | PO Box 33321 | | Detroit | iΣ | 48232 | |
| Trumbuli County Treasurer | | 160 High St Nw | | Warren | ОН | 44481-1090 | |
| Tuscaloosa County Al | | 714 Greensboro Ave | Room 124 | Tuscaloosa | AL | 35401 | |
| Tyco Electronics Corporation | MaryAnn Brereton, Assistant General Counsel | 60 Columbia Road | | Моrristown | ſN | 0962 | |
| lyler, Cooper & Alcom, LLP | W. Joe Wilson | City Place | 35th Floor | Hartford | ᇈ | 06103-3488 | |
| U S Customs And Border Protection | | 6650 Telecom Dr | PO Box 68911 | Indianapolis | z | 46268 | |
| Underberg & Kessler, LLP | Helen Zamboni | 300 Bausch & Lomb Place | | Rochester | ž | 14604 | |
| Unemployment Insurance Agency Department Of
I abor & Economic Growth | State Of Michigan | 3024 W Grand Blvd Ste 11 500 | | *************************************** | 2 | 10000 60001 | |
| Union Pacific Railroad Company | Mary Ann Kilgora | 1400 Douglas Street | MC 1580 | Omeho | L L | 40202-0024 | T |
| United Independent School District | C O Omelas Castillo & Omelas Plic | 401 East Hillside Rd 2nd Fl | 1360 | Ulliaria | ¥ × | 78041 | T |
| United Isd Tx | United Isd Tax Assessor / Collector | 3501 E Saunders | | Laredo | ×× | 78041 | T |
| United States Council For International Business | | 1212 Ave Of The Americas | | New York | λ | 10036-1689 | T |
| United States Trustee | Alicia M. Leonhard | 33 Whitehall Street | 21st Floor | New York | ž | 10004-2112 | |
| United Steel, Paper and Forestry, Rubber,
Manufacturing Energy | Allied Industrial and Service Workers, Intl Union | David buy Esa | Eine Cotonian Contact State 907 | 4000 | Š | 45000 | |
| US Attorneys Office | Michael Garcia | 1 St Andrews Plaza | I we caleway celled oute out | New York | Ç À | 10007 | |
| Us Customs And Border Protection | Robert B Hamilton Jr Director Reven | 6650 Telecom Dr | PO Box 68911 | Indianapolis | Z | 46268 | |
| I Itah Division Of Cornorations & Commercial Code | | DO Box 25125 | | 40 040 | ١. | 04426 0426 | |
| | | 0.000 | | Salt Lane City | ı | 0710-07140 | _ |

| Company
Utah State Tax Commission | Contact | Address1 | Address2 | City
Self 1 etc City | State | Zip
94434 0490 | Country |
|---|---|-------------------------------------|--------------------------------------|-------------------------|------------|-------------------|---------|
| Valwood Improvement Authority Tx | Valwood Improvement Authority Tx | 1430 Valwood Pkwv | Ste 160 | Carrollton | 5 E | 75006 | |
| Van Buren Co Tn | Van Buren County Trustee | PO Box 176 | | Spencer | Z Z | 38585 | |
| Van Buren Twp Wayne | Treasurer | 46425 Tyler Rd | | Belleville | Ξ | 48111 | T |
| Vandalia City Of Oh | | 333 James E Bohanan Memorial Dr | | Vandalia | Н | 45377 | |
| Vanderburgh County In | Vanderburgh County Collector | 1 Nw MI King Jr Blvd | 210 | Evansville | z | 47708 | |
| Vamum, Riddering, Schmidt & Howlett LLP | Michael S. McElwee | Bridgewater Place | P.O. Box 352 | Grand Rapids | Σ | 49501-0352 | |
| Vassar City Of Tuscola | Treasurers Office | 287 E Huron Ave | | Vassar | ₹ | 48768 | |
| Veniula County Collector | | 800 South Victoria Ave | | Ventura | <u>ځ</u> | 93009 | |
| Vernion Department Of Taxes | T. 1 | 109 State St | | Montpeller | 5 | 05609-1401 | |
| Vigo County III | Vigo County Treasurer | 191 Cak St | Vigo County Annex | Terre Haute | Z. | 47807 | |
| Virginia Department Of Taxation | l axing Aumonly Consulting Service | PO Box 2156 | | Richmond | ≸: | 23218-2156 | |
| Virginia Department Of Taxation Volum Safer Savmour and Deace LLD | Dobot Cidmon Eco | FO Box 1500 | 0000 | Richmond | ≸ | 23218-1500 | Ī |
| Volys, Cater, Coymour and Descrit D | Tree: Steller Carl | oz East Gay Street | F.O. Box 1008 | Columbus | 5 | 43216-1008 | |
| Mahash County In | Wahash Cambi Transition | 52 East Gay Street | 17 -10 | Columbus | 공 | 43215 | T |
| Wachtell Linton Rosen & Katz | Fmil A Klainbaue | 54 West Fond Chast | 04 alo | Newbash | 2 | 40992 | T |
| Wachtell, Lipton, Rosen & Katz | Richard G. Mason | 51 West 52nd Street | | New York | 2 2 | 10019-6150 | T |
| Wake Co No | Wake Co Tay Collector | DO Box 2334 | | Deleich | 2 2 | 10019-0100 | T |
| Waller Lansden Dortch & Davis, PLLC | David E Lemke Esc | FO BOX 2331 | Suite 2700 | Naehville | 2 2 | 27240 | T |
| Waller Lansden Dortch & Davis. PLLC | Robert J. Welhoelter, Esa. | 511 Union Street | Suite 2700 | Nachville | 2 2 | 37210 | |
| Walthall Co Ms | Walthall Co Tax Collector | 200 Ball Ave | | Tylertown | SM | 39667 | |
| Wamer Norcross & Judd LLP | Gordon J. Toering | 900 Fifth Third Center | 111 Lyon Street, N.W. | Grand Rapids | Σ | 49503 | <u></u> |
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| Warner Stevens, L.L.P. | Michael D. Warner | 301 Commerce Street | Suite 1700 | Fort Worth | × | 76102 | |
| Warner Stevens, L.L.P. | Michael D. Wamer | 1700 City Center Tower II | 301 Commerce Street | Fort Worth | × | 76102 | |
| warren city or Macomb | l reasurer | PO Box 2113 | | Warren | Ξ | 48090 | |
| Warren Co Ky | Warren County Sheriff | 429 E 10th St | Courthouse | Bowling Green | ₹ | 42101 | |
| warren County Ga | Warren County Tax Commissioner | PO Box 189 | | Warrenton | 8 | 30828 | |
| Warren County Tax Commissioner | 25. 10. 11. 11. | PO Box 189 | | Warrenton | 8 | 30828-0189 | |
| washington co ky | Washington County Sheriff | PO Box 127 | | Springfield | ≿ | 40069 | |
| Washington Co Ms | Washington Co Tax Collector | PO Box 9 | **** | Greenville | WS. | 38702 | |
| Washington County III | Transming County Heasurer | 43003 South Macrists Bu | Ste 101 | Salem | <u>z</u> : | 4/16/ | |
| Wayne County In | Wayna County Translinar | 401 E Main St | County Adminstration Blad | Grand Ledge | ž | 4563/ | T |
| Mayna Tum Cass | Transition | 64007 Attended Dal | County Administration Digu | Nicilliona | 2 | 4/3/4 | T |
| Wayne Ind Cass | Webh County Tax Assessor foolloctor | 51327 Alwood Rd | | Dowagiac | Ē, | 49047 | |
| Webber Co Ut | Weber County Assessor | PO Box 9700 | | Laredo | <u> </u> | 78042 | |
| Weil Gotshal & Mange I I P | Hanay D Millor | 767 Eigh Avenue | | Now York | 5 3 | 40450 | T |
| Well Gotshal & Manges LLP | Jeffrey L. Tanenbaum Esc. | 767 Fifth Avenue | | New York | 2 2 | 10153 | T |
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| Weil, Gotshal & Manges LLP | Michael P. Kessler, Esq. | 767 Fifth Avenue | | New York | ž | 10153 | |
| Weiland, Golden, Smiley, Wang Ekvall & Strok, LLP | Lei Lei Wang Ekvall | 650 Town Center Drive | Suite 950 | Costa Mesa | 5 | 92626 | |
| Weinstein, Eisen & Weiss LLP | _ | 1925 Century Park East | #1150 | Los Angeles | გ | 29006 | |
| Wells County In | Wells County Collector | 102 W Market St | Ste 204 | Bluffon | Z | 46714 | |
| Weltman, Weinberg & Reis Co., L.P.A. | Geoffrey J. Peters | 175 South Third Street | Suite 900 | Columbus | ᆼ | 43215 | |
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| White & Case LLP | Thomas Lauria, Frank Eaton | Wachovia Financial Center | 200 South Biscayne Blvd., Suite 4900 | Miami | FL | 33131 | |
| White Co Tn | White County Trustee | 1 East Bockman Way | Room 102 | Sparta | Y. | 38583 | |
| Whitley County In | Whitley County Treasurer | 2nd Fl Courthouse | | Columbia City | Z | 46725 | |
| Whyte, Hirschboeck Dudek S.C. | Bruce G. Amold | 555 East Wells Street | Suite 1900 | Milwaukee | 3 | 53202-4894 | |
| Vicinia county burkburnett independent school
District | Harold Lerew | Perdue Brandon Fielder Collins & Mo | PO Box 8188 | Wichita Falls | <u> </u> | 76307 | |
| | | - Class Distinct Islant Commer | 2010 010 | Vivilla I and | <u>.</u> | 10001 | 1 |

EXHIBIT HH

| and its Related AlG Law Department Bankruptcy John P Dillman Boavid G Aelwoet Boavid G Aelwoet Boavid G Aelwoet Boavid G Aelwoet Diane W Sanders Interest Sheehan Diane W Sanders Attn Carol Sowa Attn Carol S | | NoticeName | Address1 | Address2 | Address3 | City | State | Zip Country |
|--|---------------------------|--|--|---|------------------------|---------------|----------|-------------|
| a dio Law Department Bankruptcy John P Dillman David G Aelvoet Babb Hullinghrotst Andrew Dillman C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan David G Aelvoet Dania W Sanders C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan David G Aelvoet Dania W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders C o J Michael Reed Michael Reed Michael Reed Michael Reed Atth Carol Sowa Atth Jeanne Simmons Atth Jeanne Simmons | 1 & Cooling 1 | | 8147 Islandview Dr | | | Newaygo | MI | 37 |
| John P Dillman David G Aelvoet Bob Hullinghorst Andrew Delant Wood Diane W Sanders Harold Leraw Auston L McMullen Diane W Sanders C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders C o J Michael Reed Michae | | Section of the sectio | | 1 | | 7 | , , , | 02007 |
| David C Aelvoet Bob Hullinghorst Andrew Dylan Wood Diane W Sanders Harold Lerew Auston L McMullen Diane W Sanders C o Andrea Sheehan C o Andrea Sheehan C o Andrea Sheehan David G Aelvoet Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Philpott Douglas M Walsh Esq Ath Carol Sowa Ath Jeanne Simmons Ath Jeanne Simmons | AGC | aw Department Bankruptcy | David A Levin Esq | 70 Pine St 31st FL | | New York | λN | 10270 |
| Bob Hullinghotet Diane W Sanders Harold Lerew Diane W Sanders Harold Lerew Harold Lerew Harold Lerew David G Aelvoet Douglas M Philipott Diane W Sanders C o Andrea Sheehan Douglas M Philipott Diane W Sanders Diane W Sander | Luor | P Ullman | Linebarger Goggan Blair & Sampson LLP | PO Box 3064 | | Houston | × | 77253-3064 |
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| Diane W Sanders Hatolu Lerew Hauston L McMullen Diane W Sanders C o Andrea Sheehan C o Andrea Sheehan Douglas M Philipott Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders C o J Michael Reed John P Dillman Elizabeth Weller Attn Carol Sowa A | | w Dylan Wood | Ray Wood & Bonilla LLP | PO Box 165001 | | Austin | ¥ | 78716 |
| Auston L McMullen Diane W Sanders c o Andrea Sheehan c o Andrea Sheehan bouglas M Philpott Douglas M Philpott Douglas M Philpott Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Attn Canlobo c o J Michael Gauldin c o J Michael Gauldin Diane W Sanders John P Dillman Diane W Sanders John P Dillman David J Nowaczewksi Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Thomas Maher Attn Jeanne Simmons Attn Jeanne Simmons | | WSanders | Linebarger Goggan Blair & Sampson LLP. | 1949 South IH 35 | PO Box 17428 | Austin | ¥ | 78760-7428 |
| Auston L McMullen Diane W Sanders c o Andrea Sheehan c o Andrea Sheehan c o Andrea Sheehan David G Aelvoet Douglas M Philipott Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Diane W Sanders Attn Carlo Sowa Attn Jeanne Simmons Attn Jeanne Simmons | | 1 Lerew | Perdue Brandon Fielder Collins & Mott LLP | PO Box 8188 | | Wichita Falls | × | 76307 |
| Co Andrea Sheehan Co Andrea Sheehan Co Andrea Sheehan Douglas M Philipott Douglas M Philipott Diane W Sanders Gay McCall Isaacks et al Michael Reed John P Dillman Elizabeth Weller Attn Carol Sowa Attn Carol | | n L McMullen | Boult Cummings Conners & Berry PLC | 1600 Division St Ste 700 | | Nashville | Z. | 37203 |
| c o Andrea Sheehan c o Andrea Sheehan David G Aelvoet Diang W Brilipott Diane W Sanders Diane W Sanders Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Michael Reed Attn Carol Sowa Attn Jeanne Simmons | | WSanders | Linebarger Goggan Blair & Sampson LLP | 1949 South IH 35 78741 | PO Box 17428 | Austin | ¥ | 78760-7428 |
| c o Andrea Sheehan c o Andrea Sheehan David G Aelvoet Douglas M Philpott Diane W Sanders Diane W Sanders Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed Michael Reed Michael Reed Atth Carol Sowa Atth Thomas Maher Atth Thomas Maher Atth Thomas Maher Atth Thomas Maher Atth Jeanne Simmons Atth Jeanne Simmons | Т | | | | | | | |
| c o Andrea Sheehan David G Aelvoet Diane W Sanders Diane W Sanders Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed John P Dillman Elizabeth Weller Attn Carol Sowa John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Michael K McCrory Michael K McCrory Michael E McDowell David J Nowaczewksi David J Nowaczewksi Attn Thomas Maher Ralph E McDowell David J Nowaczewksi John P Defined Benefit David J Nowaczewksi Attn J John B J J J J J J J J J J J J J J J J J J | | drea Sheehan | Law Offices of Robert E Luna PC | 4411 N Central Expressway | | Dallas | ĭ | 75205 |
| c o Andrea Sheehan David G Aelvoet Douglas M Philipott Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed Michael Reed Michael Reed John P Dillman Elizabeth Weller Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Diane W Sanders John P Dillman David J Nowaczewksi Attn Thomas Maher Lies Ralph E McCrory Michael K McCrory Michael K McCrory Michael K McCrory Michael Relation David J Nowaczewksi David J Nowaczewksi David J Nowaczewksi David J Nowaczewksi John P Dillman David J Nowaczewksi John P Dillman David J Nowaczewksi John P Dillman David J Nowaczewksi John P Dillman David J Nowaczewksi John P Dillman David J Nowaczewksi John P Dillman John P Dillman David J Nowaczewksi John P Jeliman Jeliman Jeli | Branch Independent School | | | | | | | |
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| Douglas M Philipott Diane W Sanders Diane W Sanders Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed Michael Reed John P Diliman Elizabeth Weller Aftn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Thomas Maher Lee Attn Thomas Maher Lites Ralph E McDowell Dba Defined Benefit Dba Defined Benefit Ubda Defined Benefit Jeanne Simmons Jeanne Simmons | David | G Aelvoet | Linebarger Goggan Blair & Sampson LLP | 711 Navarro Ste 300 | | San Antonio | × | 78205 |
| Diane W Sanders Diane W Sanders Gay McCall Isaacks et al Mitchael Reed Mitchael Reed Mitchael Reed John P Dillman Elizabeth Weller Attn Carol Sowa Attn Learne Simmons Jeanne Simmons | Dougle | | 503 S Saginaw Street Ste 1415 | | | Flint | Σ | 48502 |
| Diane W Sanders Gay McCall Isaacks et al Michael Reed Michael Reed John P Dillman Elizabeth Weller Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Ruth Carlobo C o J Michael Gauldin Diane W Sanders John P Dillman David J Nowaczewksi and Attn Thomas Maher Wichael K McCrory Michael R Inemas Maher Daba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Simmons Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | Diane | | Linebarger Goggan Blair & Sampson LLP | 1949 South IH 35 78741 | PO Box 17428 | Austin | × | 78760-7428 |
| Gay McCall Isaacks et al Mitchael Reed Mitchael Reed John P Dilliman Elizabeth Wallen Attn Carol Sowa Branch Carol Diane W Sanders John P Dilliman David J Nowaczewksi I Dan Defined Benefit Dba Defined Benefit | | WSanders | Linebarger Goggan Blair & Sampson LLP | 1949 South IH 35 78741 | PO Box 17428 | Austin | × | 78760-7428 |
| Gay McCall Isaacks et al Michael Reed Michael Reed Michael Reed Michael Reed John P Diliman Elizabeth Weller Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Boarne Simmons Jeanne Simmons Attn Jeanne Simmons | ichigan | | 1155 28th St SW | | | Wyomina | Σ | 49509 |
| Michael Reed Michael Reed Michael Reed John P Diliman Elizabeth Weller Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Diane W Sanders John P Diliman David J Nowaczewksi Attn P Diliman David J Nowaczewksi Attn Thomas Maher Lies Raiph E McDowell Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Jeanne Simmons Jeanne Simmons Jeanne Simmons | | 1cCall Isaacks et al | 777 E 15th St | | | Plano | × | 75074 |
| Michael Reed Michael Reed John P Dillman Elizabeth Weller Attn Carol Sowa Attn | | el Reed | McCreary Veselka Bragg & Allen PC | 5929 Balcones Dr Ste 200 | PO Box 26990 | Austin | ¥ | 78755 |
| Michael Reed John P Diliman Elizabeth Weller Attn Carol Sowa Joanne Simmons Attn Learne Simmons | | | McCreary Veselka Bragg & Allen PC | | PO Box 26990 | Austin | ¥ | 78755 |
| John P Dillman Elizabit Weller Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Ruth Carlobo co J Michael Gauldin Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Attn Thomas Maher Lites Ralph E McDowell Dba Defined Benefit Dba Defined Benefit Vladimir Jelisavcic Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | | | McCreary Veselka Bragg & Allen PC | s Dr Ste 200 | PO Box 26990 | Austin | ¥ | 78755 |
| Elizabeth Weller Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Attn Ruth Canlobo Co J Michael Gauldin David J Nowaczewksi I John P Dillman David J Nowaczewksi Attn Thomas Maher Lies Ralph E McDowell Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Jeanne Simmons Jeanne Simmons Jeanne Simmons | | P Dillman | Linebarger Goggan Blair & Sampson LLP | | | Houston | ¥ | 77253-3064 |
| Attn Carol Sowa Attn Carol Sowa Attn Carol Sowa Co J Michael Gaudin Sean M Walsh Esq Dlane W Sanders John P Dillman David J Nowaczewksi Attn Thomas Maher Liba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Jeanne Simmons Jeanne Simmons | | | Linebarger Goggan Blair & Sampson LLP | 2323 Bryan Street Ste 1600 | | Dallas | X | 75201 |
| Attn Carol Sowa Attn Carol Sowa C o J Michael Gauldin Sean M Walsh Esq Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Michael K McCrory Attn Thomas Maher Dea Defined Benefit Dea Defined Benefit Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | | | 24777 Denso Dr | | | Southfield | Mi | 48033 |
| Attn Ruth Canlobo c o J Michael Gauldin Sean M Walsh Esq Diane W Sanders John P Dilliman David J Nowaczewksi Michael K McCrory Michael K McCrory Attn Thomas Maher Dea Defined Benefit Dea Defined Benefit Vladimir Jelisavcic Jeanne Simmons Attn Jeanne Simmons | | | 24777 Denso Dr | | | Southfield | × | 48033 |
| Sean M Watsh Esq Sean M Watsh Esq Diane W Sanders John P Dillman David J Nowaczewksi And Atth Thomas Maher Liess Raiph E McDowell Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Jeanne Simmons Jeanne Simmons Atth Jeanne Simmons | | | 3900 Via Oro Ave | | | Long Beach | გ | 90810 |
| Sean M Walsh Esq Sean M Walsh Esq Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Attn Thomas Maher Dea Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Jeanne Simmons Jeanne Simmons | | | Dubois County Treasurer | 1 Courthouse Sq | | Jasper | <u>z</u> | 47546 |
| Sean M Walsh Esq Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Ath Thomas Maher Dea Defined Benefit Dea Defined Benefit Dea Defined Benefit Jeanne Simmons Jeanne Simmons Ath Jeanne Simmons | | | PO Box 220 | | | Dyersburg | Z | 38025 |
| Sean M Walsh Esq Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Ath Thomas Maher Liba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Jeanne Simmons Jeanne Simmons Atth Jeanne Simmons | dates inc | | PO Box 26/6 | | | Кокото | ≥ 0 | 46904-2676 |
| Sean M Walsh Esq Diane W Sanders John P Dillman David J Nowaczewksi Althrael K McCrory Michael K McCrory Attn Thomas Maher Liess Ralph E McDowell Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Simmons Jeanne Simmons Attn Jeanne Simmons | 0 | | 247 Coldingus Ave Ste 113 | 404 W Die Deer de De Griffe | | Sandusky | 5 | 448/0 |
| Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Attn Thomas Maher Lies Ralph E McDowell Dba Defined Benefit Dba Defined Benefit Nacimir Jelisavcic Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | | M Walsh Esa | Cox Hodaman and Giarmrco P C | 100 W big beaver hu suite | | Trov | ¥ | 48084-5280 |
| Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Attn Thomas Maher These Raiph E McDowell Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Benefit Dba Defined Simmons Jeanne Simmons Attn Jeanne Simmons | | | 373 S High St 17th Fi | | | Columbus | 귱 | 43215 |
| Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Ath Thomas Maher Lites Ralph E McDowell Dba Defined Benefit Dba Defined Benefit Vladimir Jelisavcic Jeanne Simmons Jeanne Simmons Atth Jeanne Simmons | ars Guaranty Trust Fund | | PO Box 7159 | | | Atlanta | Ą | 30357-0159 |
| Diane W Sanders John P Dillman David J Nowaczewksi Michael K McCrory Michael K McCrory Ath Thomas Maher Ath Thomas Maher Da Defined Benefit Dba Defined Benefit Dba Defined Benefit Admin Jelisavcic Jeanne Simmons Jeanne Simmons | | | Giles County Trustee | PO Box 678 | Courthouse | Pulaski | N. | 38478 |
| John P Dillinan David J Nowaczewksi Michael K McCrory Hities Raiph E McDowell Dba Defined Benefit Dba Defined Benefit Andrimi Jelisavcic Jeanne Simmons Jeanne Simmons | | WSanders | Linebarger Goggan Blair & Sampson LLP | 1949 South IH 35 | PO Box 17428 | Austin | × | 78760-7428 |
| Michael K McCrory Michael K McCrory Michael K McCrory and Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Ath Jeanne Simmons Ath Jeanne Simmons | | | Linebarger Goggan Blair & Sampson LLP | PO Box 3064 | | Houston | ¥ | 77253-3064 |
| Michael K McCrory tive lended Ath Thomas Maher Ath Thomas Maher Ath Thomas Maher Da Defined Benefit Da Defined Benefit Ath Jeanne Simmons Jeanne Simmons Jeanne Simmons | | | Bodman LLP | 6th FI at Ford Field | 1901 St Antoine St | Detroit | Ξ | 48226 |
| Michael K McCrory tive Attn Thomas Maher Attin B Defined Benefit Dba Defined Benefit Dba Defined Benefit Addinit Jelisavcic Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | surer | | 101 S Main St | | | New Castle | Z | 47362 |
| Michael K McCrory ended Ath Thomas Maher htities Raiph E McDowell Da Defined Benefit Da Defined Benefit Vladimir Jelisavcic Jeanne Simmons Jeanne Simmons Atth Jeanne Simmons | | | Diana M. Sandare | Linebarger Goggan Blair & | 1949 South IH 35 78741 | Attetio | <u>\</u> | 79760 7479 |
| tive Ath Thomas Maher Tities Raiph E McDowell Dba Defined Benefit Dba Defined Benefit Vladimir Jelisavcic Jeanne Simmons Jeanne Simmons Ath Jeanne Simmons | | | Dames & Thombsim 11 D | 44 Cough Moriolism C+ | 02411 400 01 | Indianalia | <u> </u> | 700.07 |
| Autises Raiph E McDowell Dba Defined Benefit Dba Defined Benefit Vadimir Jelisarcic Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | tive | | JPMorgan Chase Bank NA as Administrative Agent | 270 Park Ave 20th FI | | New York | ž | 10017 |
| Disa Defined Benefit Disa Defined Benefit Vadinti Jelisavdc Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | ntities | | Rodman II D | 6th Floor at Ford Field | 1901 St Antoine Street | Detroit | 2 | 48226 |
| Dba Defined Benefit Vladimir Jelisavcic Jeanne Simmons Jeanne Simmons Attn Jeanne Simmons | | efined Benefit | | Ste 312 | | Hackensack | Z | 07801 |
| Vladimir Jelisavcic
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| Jeanne Simmons
Attn Jeanne Simmons | | | | | | Kokomo | 2 | 46903-0932 |
| Attn Jeanne Simmons | Inc | | PO Box 932 | | | Kokomo | Z | 46903-0932 |
| | | | : [| | | Кокото | Z | 46903-0932 |
| Lubbock Central Appraisal District Laura J Monroe Perdue Brandon Fielder Colli | | | Perdue Brandon Fielder Collins & Mott LLP | PO Box 817 | | Lubbock | ΧŢ | 79408-0817 |

45202 38101-2751 29304 29304 20501 16201 16201 16301 60601 60602 44481-1090 위로 지도 의 Austin West Palm Beach Tuscaloosa Tuscaloosa Tuscaloosa Florence Florence Riverdale Austin Chcinnatil Memphis Memphis Spatianburg Spatianburg Chicago Chicago Chicago Chicago Chicago Chicago Chicago Chicago Chicago PO Box 17428 PO Box 17428 1420 Kensington Rd Ste 209 203 N LaSalle St Ste 2500 2323 Bryan St Ste 1600 1045 French St 1949 South IH 35 78741 2323 Bryan St Ste 1600 PO Box 3064 1949 S 1H 35 78741 | Marian Inco | Card Bissell & Brook LLP | Card Bissell & Brook LLP | Card Bissell & Brook LLP | Linebarger Goggan Blair & Sampson LLP | Linebarger Goggan Blair & Sampson LLP | Linebarger Goggan Blair & Sampson LLP | Mr Third St. | 451 W Third St. | | 451 W Third St. | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 452 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. | | 451 W Third St. PO Box 729 6801 Kerilworth Ave Ste 400 Linebarger Goggan Blair & Sempson LLP 425 Walmut Stit Sie 1800 PO Box 2751 PO Bo Doloras J Doolittie C O Mayers Rodbell and Rosenbaum Pa Diane W Sanders c o Omelas Castillo & Omelas PLLC William Holbrook Director of Finance Glenda Qwright Clenda Qwright c o Jason Mehrick Elzaben Veller Soult Hanaway Alth Ryan B Bennett Esq Clardy Law Offices Diane W Sanders W Timothy Miller Noel Norales Noel Norales ine County Trustee Shelby County Trustee Shelby County Trustee Shelby County Trustee Spartanburg Co Tax Collector Spartanburg Co Tax Collector Sunida America Inc Sunida America Inc Sunida America Inc Sunida America Inc Tarran County Teat Tool & Mold Inc Tooyer Automotive Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc Tricon Industries Inc United Independent School District United Independent School United Independent School Independent School Independent School Independent School Independent School Independe Monigomery County Treasurer Mo Aethode Electronics inc Mami Dade County Tax Collector Montague County

Delphi Corporation Class A (Secured Claims)

EXHIBIT II

48708 44484 35801 35801 35801 35801 46144 14454 14454 18608-1318 48708-1318 48708-1318 48708-1318 48708-1404 48734-1404 48734-1404 486732-1404 486732-1604 95014 ð Southfield Southfield Southfield Muscle Shoals Sheffeld Minor Hill St Helen Nunda Nunda Union Buffelo Cupertino Cupertino Flint Parma Heights Flint Bay City Hudson Detroit Detroit Rochesten Birmingham Galloway Burton Rochester Freeland Millington Lapeer City Saginaw Hope Mills Flint Huntsville Huntsville Somerset Dayton Geneseo Geneseo Bay City Warren Superting 316 Washington Ave Ste 309 Infinite Loop Infinite Loop Ste A c o Lambert Leser Isackson Cook & Giunta PC 150 W Jefferson Ave Ste 2500 150 W Jefferson Ave Ste 2500 150 W Jefferson Ave Ste 2500 1901 6th Ave N Ste 2400 917 Merchants Walk 105 North Side Square 105 North Side Square 105 North Side Sq 800 Red Mills Rd Apple Inc Apple Inc Senior Counsel 6646 E Baltimore Bivd 6035 Comanche CI Ste A 1823 Seymore Ave 3307 Bowman Rd 3307 Bowman Rd Miller Canfield Paddock & Stone PLC Miller Canfield Paddock & Stone PLC Miller Canfield Paddock & Stone PLC 80 Spriley Court 3853 Orleans Rd 5622 High Arbor Dr By Richard O Milster P35431 2201 Celestial Dr Ne Warren & Simpson PC Warren & Simpson PC 181 Alcorne St 181 Alcorne St 181 Alcorne St 1837 Long Point Rd 4837 Long Point Rd 4837 Long Point Rd 4837 Long Point Rd 4837 Long Point Rd 4837 Long Point Rd 1550 Ling Point Rd 1250 Bastian Rd 11590 Frost Rd 11590 Fr Maynard Cooper & Gale PC Davis & Associates Pc 2000 Town Center No 1500 Senior Counsel Evelyn Shimazaki Senior Counsel J Barton Warren Esquire J Barton Warren Esquire c o J Barton Warren Esq William D Davis III Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Tova Shaban Timothy A Fusco Timothy A Fusco Timothy A Fusco Evelyn Shimazaki Evelyn Shimazaki Mary Bakle Aguillar Yolanda M Akins Ladean Alaular Yolanda M Akins Ladean Alabama Workers Compensation Self Insurers Guaranty Association Inc Aldridge Brenda All Night Auto Bloomington IL All Night Auto Bloomington IL All Night Auto Bloomington IL All Night Auto Bloomington IC All Night Auto Broke All Night Auto Tempe All Night Auto Tempe All Night Auto Tempe All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night Auto Training Fac All Night and Anderson Scott D Andelora Scott D Andelora Cheryl Company Ltd Apple Inc formerly known as Apple Computer International and Hon Hai Precision Industry Austin Mae F Austin Mae F Austin Randy Austin Randy Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Autoalliance International Inc Bakle Mary Baranski Mark Barbara Gamer Barbara Gamer Barbara Gamer Barrett Norma Bart E Kaylor Bashaw Robert Basha Company Ltd Arrington Bertha

Delphi Corporation Class B (Flow-Through Claims)

12/28/2007 11:07 AM II - J DOMESTIC

| Name | NoticeName | Address1 | Address2 | Address3 City | Sta | State Zip C | Country |
|---|--------------------|--|--------------|---------------|-----------------|-----------------------------|---------|
| Furukawa Electric North America Apd Inc | | PO Box 45651 | | San Fra | ncisco CA | San Francisco CA 94145-0651 | |
| Furukawa Electric North America APD Inc | Michael S Mc Elwee | chael S Mc Elwee Varnum Riddering Schmidt & Howlett LLP PO Box 352 | PO Box 352 | Grand R | Grand Rapids MI | 49503 | |
| Furukawa Electric North America APD Inc and Furukawa Electric | | | | | | | |
| Company | Michael S McElwee | chael S McElwee Varnum Riddering Schmidt & Howlett LLP PO Box 352 | PO Box 352 | Grand R | Grand Rapids MI | 49503 | |
| Furukawa Electric North America APD Inc and Furukawa Electric | | | | | | 1 | |
| Company | Michael S McElwee | Varnum Riddering Schmidt & Howlett LLP PO Box 352 | PO Box 352 | Grand R | Grand Rapids MI | 49501-0352 | |
| Furukawa Electric North America Apd, Inc. | President | 47677 Galleon Drive | | Plymouth | Z. | 48170 | |
| Mayfield | | 280 Sandhill Rd 250 | | Menlo Pk | ξ
S | 94025 | |
| SPCP Group LLC as Assignee of Furukawa Electric Company & | | | | | | | |
| Furukawa Electric North America APD Inc | Attn Brian Jarmain | Two Greenwich Plz 1st Fi | | Greenwich | ct
CT | 06830 | |
| Thomas Ogara Reimb | | 112 Price Ln | | Bellevue | 9 | 83313-5126 | |
| Tom Ogara Family Trust | Tom Ogara | Silver Springs Ranch | 112 Price In | Bellevire | 9 | 63313-5126 | |

Delphi Corporation Class J (Interests in Affiliate Debtors)

Page 1 of 1

EXHIBIT JJ

Delphi Corporation Pending Objection to Disallow and Expunge Claim

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| Control Masters Inc | | 5235 Katrine Ave | | | Downers Grove | IL | 60515 | |
| Controls Crew Inc | | 23701 John R | | | Hazel Pk | Ξ | 48030 | |
| Crown Credit Company | Attn Rodney J Hinders Esq | 115 N Main St | | | New Bremen | ЮН | 45869 | |
| Crown Enterprises Inc | c o Mark H Shapiro Esq | Steinberg Shapiro & Clark | 24901 Northwestern Hwy Ste 611 | | Southfield | Σ | 48075 | |
| Dashkovitz Dennis | | 9301 Buck Rd | | | Freeland | Σ | 48623-0000 | |
| Denso Corp | | 1 1 Showacho | | | Kariya Aichi | | 448 8661 | Japan |
| Denso Corp | | 1 1 Showacho | | | Kariya Aichi | | 448 8661 | Japan |
| Denso Corporation | | 1 1 Showa Cho | | | Kariya Aichi | | 0448-8661 | Japan |
| Denso International America Inc | Attn Carol Sowa | 24777 Denso Dr | | | Southfield | Ξ | 48033 | |
| Denso International America Inc | Attn Carol Sowa | 24777 Denso Dr | | | Southfield | ₹ | 48033 | |
| Denso International America Inc | Attn Carol Sowa | 24777 Denso Dr | | | Southfield | Ξ | 48033 | |
| Denso Sales California Inc | Attn Ruth Canlobo | 3900 Via Oro Ave | | | Long Beach | క | 90810 | |
| Department of the Treasury Internal Revenue | | | | | - |] | - | |
| Service | Internal Revenue Service | 290 Broadway 5th FI | | | New York | ž | 10007 | |
| Department of the I reasury Internal Revenue | | i : | | | : | - | ! | |
| Services | Internal Kevenue Service | 290 Broadway 5th FI | | | New York | ž: | 10007 | |
| Depository Trust Company Treasurers Dept | Raiph G & Joann A Fox | 255 N 1100 E | | | Zionsville | 2 | 46077-9444 | |
| Depository I rust Company I reasurers Dept | I nomas van Le | 9209 S 89th E Ave | | | Iulsa | š | /4133 | |
| Deutsche Bank Securities Inc | Attn Koss Kosentelt & Vikas Madan | 60 Wall St 3rd FI | | | New York | ž | 10005 | |
| Deutsche Bank Securities Inc | Attn Ross Rosentelt & Vikas Madan | 60 Wall St 3rd FI | | | New York | ž | 10005 | |
| Donald R Sweeton and Sarah E Sweeton | Austin L McMullen | Boult Cummings Conners & Berry PLC | 1600 Division St Ste 700 | | Nashville | 2 | 37203 | |
| Eaton Bi State Valve Claim | | Eaton Corporation | 1111 Superior Ave | | Cleveland | 5 | 44114-2584 | |
| Eaton Electrical | | 1111 Superior Ave | | | Cleveland | Н | 44114-2584 | |
| Eaton Hydraulics Inc | | Eaton Corporation | 1111 Superior Ave | | Cleveland | 동 | 44114-2584 | |
| Empresas Ca Le Tlaxcala SA de CV | Stephen Bobo | Sachnoff & Weaver Ltd | 10 S Wacker Dr Ste 4000 | | Chicago | 4 | 90909 | |
| Energy Engineering & Consulting Services LLC | Dennis R Zappone Sr Energy Engineer | 2137 S 800 W | | | Swavzee | z | 46986 | |
| Essex Group Inc | 1 | 1601 Wall St | | | Fort Wavne | z | 46801-1601 | |
| FCI Austria GmbH | Keith J Cunningham Esq | Pierce Atwood LLP | One Monument Square | | Portland | W | 04101-1110 | |
| Federal Mogul Corporation | Chavanda Cenance | 26555 Northwestern Hwy | | | Southfield | Σ | 48034 | |
| Fidelity Investments Inc Tr | | Fbo Donna K Hetzel Ira | 22667 Revere St | | St Clair Shores | Σ | 48080-2883 | |
| Freudenberg Nok General Partnership | Ralph E McDowell | Bodman LLP | P | 1901 St Antoine St | Detroit | Σ | 48226 | |
| Freudenberg Nok Inc | Ralph E McDowell | Bodman LLP | | 1901 St Antoine St | Detroit | Σ | 48226 | |
| Freudenberg Nonwovens Lp Eff | | 2975 Pembroke Rd | | | Hopkinsville | ₹ | 42240 | |
| Frys Metal Inc a Cookson Electronics Company | Maria J Goncalves Esq | Adler Pollock & Sheehan PC | One Citizens Plz 8th Fi | | Providence | <u>~</u> | 02903 | |
| Frys Metal Inc a Cookson Electronics Company | Maria J Goncalves Esq | Adler Pollock & Sheehan PC | One Citizens Plz 8th Fl | | Providence | ~ | 02903 | |
| Furukawa Electric North America APD Inc and | Michael C MAEhvoo | Varian Diddering Schwidt 9 Handett 1 DDD 525 | BO B ~ 363 | | Occupation Desiration | 5 | 40504 0950 | |
| drawa ciecale Company | MICHAEL O MICHAEL | Variati Niddeling Collinat & Howlest CE | tol Columbiano Vandan | AOAO Thomas Builder | + | | 49001-099% | |
| General Electric Capital Corp | • | Attn Uri Sky | | 1010 Inomas Edison Bivd
SW | Cedar Rapids | ≤ | 52404 | |
| General Electric Company GE Fanuc Automation
North America Inc | In Michael R Enright Esa | Robinson & Cole LLP | 280 Trumbull St | | Hartford | Ę | 06103 | |
| General Products Delaware Corp | F | General Products | 2400 F South St | | lackson. | 2 | 49201 | |
| Georgia Department of Revenue | Department of Revenue | Compliance Division | uoi | PO Box 161108 | Atlanta | Ϋ́ | 30321 | |
| Goldman Sachs Credit Partners LP | | One New York Plz 42nd Fl | | | New York | ¥ | 10004 | |
| Guide Corporation | c o Paul Kerns Chief Financial Officer | 600 Corporation Drive | | | Pendleton | Z | 46064 | |
| Hamlin Tool & Machine Co Inc | ere der der der der der der der der der | Inc | 1671 E Hamlin Rd | | Rochester | ₹ | 48307-3624 | |
| Harbinger Capital Partners Master Fund I Ltd | Attn Ilena L Cruz Esq | White & Case LLP | 200 S Biscayne Blvd Ste 4900 | | Miami | 교 | 33131-2352 | |
| Harbinger Capital Partners Master Fund I Ltd | Attn liena L Cruz Esq | White & Case LLP | 200 S Biscayne Blvd Ste 4900 | | Miami | 냅 | 33131-2352 | |
| Hayes Lemmerz International Inc | David J Nowaczewksi | Bodman LLP | 6th FI at Ford Field | 1901 St Antoine St | Detroit | ₹ | 48226 | |
| Heraeus Amersil Inc aka Heraeus Tenevo | c o Jason J DeJonker Esq | McDermott Will & Emery LLP | 227 W Monroe St | | Chicago | = | 9609-90909 | |
| Heraeus Amersil Inc aka Heraeus Tenevo | co Jason J DeJonker Esq | McDermott Will & Emery LLP | 227 W Monroe St | | Chicago | = | 9609-2036 | |
| | | | | | | 9 | | |

Canada 45202-3688 44309-1500 85016 85016 L4V 1M5 L4V 1M5 10018 10018 60601 07601 10019 10019 37219 37219 37219 37219 37219 37219 37219 37219 37219 37219 37219 37219 10271 44870 48439 60611 30309 60067 10271 07601 07601 یےاق ₹청청청청률 3333333333333 ᆼ ž Ξ Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack Hackensack New York New York Bloomfield Hills Mississauga New York New York Chicago Grand Blanc Mt Clemens Cincinnati Akron Sandusky New York Nashville Nashville Nastville New York Nashville Phoenix Phoenix Phoenix Orville Palatine Chicago Atlanta 300 E Long Lake Rd Ste 200 1100 Peachtree St Ste 2800 G 9460 S Saginaw St Ste A 120 Broadway 28th Floor 511 Union St Ste 2700 One W Fourth St Ste 900 PO Box 1500 4742 N 24th St Ste 100 4742 N 24th St Ste 100 120 Broadway 26th Floor 180 N La Salle St Ste 1900 One University Piz Ste 312 One University Piz St 40 N Main Rendigs Fry Kiely & Dennis Buckingham Doolittle & Burnoughs LLP Hebert Schenk PC Hebert Schenk PC 4742 N 24th St 8te 100 New York Attomey Generals Office Waller Lansden Dortch & Davis LLP New York Attorney Generals Office 3710 Nashua Drive Unit 1 3710 Nashua Drive Unit 1 1045 Sixth Ave 1045 Sixth Ave Schwartz Cooper Chartered Kilpatrick Stockton LLP 718 W Longview Ln 980 N Michigan Ave and its subsidiaries MTI Saline MTI Milar Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Revenue Management Vladimir Jelisavcic villiam E Dombos c o Michael R Paslay Esq co Gary H Cunningham Esq c o Patrick J Keating Esq Barbara Lee Caldwell Barbara Lee Caldwell Herbert Schenk PC Dennis M Haley P14538 Paul M Rosenblatt Esq Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Capital Markets Dba Capital Markets Christopher J Aluotto Robert D Nachman William E Dornbos Vladimir Jelisavcic MJ Celco Morgan Advanced Ceramics Diamonex Products Mac Arthur Corporation Macomb County Foc Act Of B Czarnowczan Conservation New York State Dept of Environmental Neosong Usa Inc New York State Dept of Environmental Mad River Transportation Inc Marco Manufacturing Co Maricopa County Treasurer Maricopa County Treasurers Office Maricopa County Treasurers Office Metalforming Technologies Inc Microsys Technologies Inc Microsys Technologies Inc Miliken & Company Miliken & Company Liquidity Solutions Inc Liquid Nissan North America Inc. Conservation Nissan North America Inc Nissan North America Inc .utz Richare 22210

Delphi Corporation Pending Objection to Disallow and Expunge Claim

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19103-4196 45202 94085 94085 98101 08140 98101 07601 4533 FEFF £ 8 8 ≸등 ≸등 Z ZZZZZ 본론물등등 Z Caldes de Montbui Port Washington Philadelphia Bloomfield Bloomfield Hills West Columbia Knoxville Indianapolis Grand Rapids Farmington I Columbus Columbus Hackensack Sunnyvale Sunnyvale Knoxville Cincinnati Xenia Nashville Nashville Nashville Nashville Nashville Nashville Nashville Nashville Nashville Nashville Nashville Nashville Nashville Sincinnati Chicago Ravenna Pewaukee Seattle Greenville Nashville Ste 3200 77 West Wacker Dr Ste 2500 PO Box 812 511 Union St Ste 2700 One W Fourth St Ste 900 1201 3rd Ave Ste 3200 1201 Third Avenue 30 S 17th St Waller Lansden Dortch & Davis LLP 441 Vine St 1600 Carew Tower 785 N Mary Ave 785 N Mary Ave 1275 Mineral Springs Dr Duane Morris LLP 1715 Carrington Way 12394 Heronwood Dr 201 Metropolitan Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10215 Caneel Dr 10216 Station Stat Keller Rohrback LLP 2836 State Route 571 West One University Ptz Ste 312 Pol Ind La Borda Keller Rohrback LLP 9491 Byers Rd c o Liquidity Solutions Inc dba Revenue Management C Priorats Sn GO Lynn Lincoln Sarko Esq and Amy Williams Derry Esq General Attn Anna Phan Assistant Controller Attn Anna Phan Assistant Controller Victoria D Garry Asst Ohio Attorney Onyx Environmental Services ERD Margery N Reed Esquire c o Lynn Lincoln Sarko Esq & Amy Williams Derry Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq d o Michael R Paslay Esq c o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq d o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Michael R Paslay Esq c o Greenberg Traurig LLP co John R Humphrey Rachel Pond Christopher J Aluotto Attn David Wheeler Recycling Div Pacific Employers Insurance Company Pamela Geller Parsicha Atul Phr Columbia Ltc PBR Knoxville LLC PBR Tennessee Inc Peerless Transportation Company OKI America Inc OKI America Inc Onyx Environmental Services Electronics Nissan North America Inc Nissan North America Portage County Water Resou Oh Potter Michael Preferred Sourcing LLC Priority Health Radiall Jerrik Inc. Ohio Public Utilities Commission Ohio Department of Taxation Rawac Plating Company Relats S A Richard C Bailey Riegel Charles Randail Dockery Ratliff Larry G

06011-0489 Cambridge Detroit New York Boston Chicago Southfield Detroit Detroit New York New York Bristol 1540 Broadway PO Box 489 Pilisbury Winthrop Shaw Pitman LLP 3101 N Central Ave Ste 900 77 Massachusetts Ave Parques Industriales (8th & Arch Sts 111 Hunfington Ave 8000 Sears Tower 56 Dunsmore Rd 195 Broadway 18th & Arch Sts 18th & Arch Sts PO Box 11647 298 Main St 123 Main St PO Box 306 irr 127777 Franklin Rid Ste 2500 500 Whodhward Rid 3500 600 Weedward Ste 3500 1285 Ave Of The Americas Namey W Clark Assistant General Counsel and Assistant Secretary for Barnes. 1633 Broadway 22nd Fi Atth Jeanne P Darcey Esq Sonnenschein Nath & Rosenthal Senior Counsels Office 12 090 500 Woodward Ave Ste 3500 1633 Broadway 22nd FI 135 N Pennsylvania St 135 N Pennsylvania St 175 N Pennsylvania St 175 N Pennsylvania St 175 N Pennsylvania St 175 N Pennsylvania St 3000 Two Logen Sq 3000 Two Logen Sq One Lincoin Car 18th FI One Lincoin Car 18th FI 599 Lexington Ave Judy A O Neil Judy A O Neil Judy A O Neil Lori V Vauptah Annahaman Bernette Eisen Hinstew 199 Neinz Licotden Smels Garad & Hamilton 220 James M Sullivan Alin S Brillon E Barrino Equ Ahr William E Enamine C Grillo Brian Vi Harvey David S Resens Adam L Shift Dealed N Zhanan Bernette Adam L Shift Dealed N Zhanan Daniel Edwards Angel Pahner & Dodge LLP M Monika J Machen Ath. Jay L Welford Thomas E Coughlin & Palge E Barr Clark Hill PIC Clark Hill PC Douglas R Davis Alan S Brillant Emanuel C Grifo Brien W Hervey David S Rosner Adam L Shiff Daniel N Zinman Dan A Fleman Kathryn P Johnson Attn Robert D Gordon & Shannin L Deeby Robin L Spear Mark To Houle Kann B Oline Francisco Javier Acosta Cestaneda Anne Mare Autornson Alton Seria Homan Adin Mark A Warroo Scott L Hezza Starley L Lane Anne Marie Aaronson Anne Marie Aaronson Stephen A Donato Stephen A Donato Thomas P Sarb Morabito Dena Morabito Philip James M Sullivan Judy A O Nell Hilary Jewett James M Sulivan Barnes Group Inc Longacre Master Fund Lid Congacre Master Fund Lid Congacre Master Fund Lid Congacre Master Fund Lid as assignee/transferee Congacre Master Fund Lid as assignee/transferee Congacre Master Fund Lid as assignee/transferee uand GmbH uardt Switches Inc achusetts Institute Of Technology Atin J feNaughton McKay Electric of Ohlo Longacre Master Fund Ltd Longacre Master Fund Ltd Longacre Master Fund Ltd Longacre Master Fund Ltd

Delphi Corporation Notice Parties to Ballot Recipients

48202-6024 46204 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 95050 10022 60606 48430 06890 06890 46268 10004 60601 60601 40507 10004 ž 2 È ž <u>ଶ୍ରଶ୍</u>ଷ |ବାର୍ଟାରାଟାରାଟାରାଟାରାଟାରାଟାରାଟାର 88888888888 리오콜딩 일그그 ⊒ಶರರ≥ ≅ ≅ ਲ ≿ Farmington Hills Greensboro Greensboro Chicago Chicago Lexington Santa Clara Detroit Indianapolis Chicago Fenton Southport Southport Indianapolis Greensboro New York New York New York Suite 2700 2775 Park Ave 2776 Park Ave 2777 Park Ave 250 West Main Street PO Box 2888 200 E Randolph Dr 599 Lexington Ave 11 S Meridian St 86 Chambers St 30 Jelliff Ln 30 Jelliff Ln PO Box 68911 33 Whitehall St PO Box 2888 PO Box 2888 Tuggle Duggins & Meschan PA c o Kirkland & Elis LLP 2 c o Kirkland & Elis LLP 2 Frost Brown Todd LLC Kirkpatrick & Lockhart Nicholson Graham Binder & Matter LLP Binder & Matter LLP Binder & Matter LLP Binder & Matter LLP Continental Automotive Systems Squire Sanders & Dempsey LLP 33045 Hamilton Ct Ste 103 Tuggle Duggins & Meschan PA 3024 W Grand Blvd Ste 11 500 Barnes & Thomburg LLP One Edmund St Southern District of New York Tuggle Duggins & Meschan PA LLP 10 S Wacker Dr Ste 2300 10 S SWA SE C O Pepe & Hazard LLp c o Pepe & Hazard LLp 6650 Telecom Dr Binder & Matter LLP 33 Whitehall St Trial Attorney Department of Labor & Economic Growth Michael K McCrory Office of the United States Attorney c o Robert N Michaelson Esq Sharon A Salinas Dykema Gosset Heinz Binder c o Sarah F Sparrow Esq Attn Ryan B Bennett Esq c o Kirkland & Ellis LLP Martin B Tucker Esq c o Sarah F Sparrow Esq Kristin B Mayhew Esq Kristin B Mayhew Esq Margaret A Malloy US Equal Employment Opportunity Commission | Margaret A Malloy Technology Properties Ltd Technology Propert TK Holdings Inc Automotive Systems Laboratory Inc and Takata Seat Belts Inc. Tower Automotive Inc. Tower Automotive Inc. Tower Automotive Inc. Towora Motor Corporation TPO Displays USA Inc fka Mobile Display US Equal Employment Opportunity Commission Unemployment Insurance Agency Universal Tool and Engineering Company Inc Dept of Health and Human Services S Customs and Border Protection Tremont City Barrel Fill PRP G Treva Daniels Carlson Tri Mark Inc Tri Mark Inc

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| Name | NoticeName | Address1 | Address2 | Address3 | City | State 7in | | Country |
|--|----------------------------|---------------------------------|-----------------------------|----------|-----------------------|-----------|------------|---------|
| US Labor Secretary on behalf of ASEC | | | | | | | | |
| Manufacturing sponsored Employee Benefit | | | | ••• | | | | |
| Plans | Robert A Goldberg Esq | Usdol 525 S Griffin St Ste 501 | | | Dallas | ř | 75202 | |
| Vandalia City of Oh | | 333 James E Bohanan Memorial Dr | | | Vandalia | : 5 | 45377 | |
| Vanguard Distributors Inc | | PO Box 608 | | | Savannah | Ą | 31402 | |
| Venture Plastics Inc | Jeffrey M Levinson | Margulies & Levinson LLP | 30100 Chagrin Blvd No 250 | | Cleveland | Т | 44124 | |
| VERITAS Software Corporation | Lawrence Schwab Thomas Gaa | Bialson Bergen & Schwab | 2600 El Camino Real Ste 300 | | Pato Alto | Ą | 94306 | |
| Verizon North Inc | AFNI Verizon | 404 Brock Dr | | | Bloomington | - | 61701 | |
| Visteon Corporation | Attn Michael Sharnas | One Village Drive | | | Van Buren Township MI | Τ | 48111 | |
| Visteon Corporation | Attn Michael Shamas | One Village Drive | | | Van Buren Township Mi | Τ | 48111 | |
| Walling John F | | 4201 Corinth Blvd | | | Davton | | 45410-3411 | |
| Westwood Associates Inc | Michelle McNulty | PO Box 431 | | | Milford | CT | 06460 | |
| William P Downey | | 3456 Fishinger Rd | | | Columbus | 등 | 43221-4722 | |
| York International Corp | Stephen Bobo | Sachnoff & Weaver Ltd | 10 S Wacker Dr Ste 4000 | | Chicago | = | 60606 | İ |

Delphi Corporation Pending Objection to Disallow and Expunge Claim

EXHIBIT EEE

| Name
2088343 Ontario I imited | CreditornoticeName | Address1 | Address2 | Address3 | City | ate | | Country |
|---|--|--|---|-------------------------|-----------------|----------|------------|---------|
| 3M Company | Atta Patrick Or | 292 Madison Ave 17th El | | | Bloomheld Hills | Ī | 48302 | |
| 3M Company | Attn Alpha B Khaldi | PO Box 33428 | 220 9F 02 | | St Paul | NAN SE | 133 | |
| ABC Metals Inc | | PO Box 634697 | | | Cincinnati | | 45263-4697 | |
| Actco Tool and Manufacturing Company | Attn Amy M Tonti | 599 Lexington Ave 29th FI | | | New York | ł | 10022 | |
| Actco Tool and Manufacturing Company | Attn Nicholas R Pagliari | 2222 W Grandview Blvd | | | Erie | | 16506-4508 | |
| Aerotek inc | Aerotek Inc | 350 Burnhamthorpe Rd W Ste 700 | | | Mississauga | | Т | Canada |
| Akzo Nobel Coatings Inc | George B Cauthen Jody A Bedenbaugh | Meridian Bldg Seventeenth FI | 1320 Main St | PO Box 11070 | Columbia | | 29201 | |
| Akzo Nobel Coatings Inc | Richard B Herzog | 999 Peachtree St Ste 1400 | | | Atlanta | | 30309 | |
| Akzo Nobel Industrial Coatings Mexico SA | Dishard a Lorres | Mendian Bidg Seventeenth FI | 1320 Main St | PO Box 11070 | Columbia | - 1 | 29201 | |
| American Coil Spring Company | Thomas D Sark | 250 Monne Aug NM Cto 000 | 900 500 | | Atlanta | | 30309 | |
| American Electric Power | Thomas R Slome Jil Mazer Marino | 333 Earle Ovington Blvd Ninth Fi | TO BOX 300 | | Uniondala | Т | 49501-030b | |
| American Electric Power | Russell R. Johnson III | 2258 Wheatlands Dr | | | Manakin Cahat | T | 22402-2022 | |
| Ametek Inc | | 3000 Two Logan Sa | 18th and Arch Sts | | Philadelphia | 7 PA | 19103-2799 | |
| Amroc Investments LLC | Cavaliere | The Chryslet Bidg | 405 Lexington Ave | - | New York | | 10174 | |
| Amroc Investments LLC | | PO Box 714839 | 8 | | Columbus | | 271-4839 | |
| Anderson Carrie | | 5726 Wellwood Dr | | | Rochester | | 48306 | |
| Arc Automotive Inc | Attn Cherie Macdonald Esq | 12 Wolf Creek Ste 100 | | | Befleville | | 62226 | |
| O control | David S Rosner Adam L Shiff Daniel N Zinman Daniel | | | | | | | |
| Cigo raineis | Double Remon Adam Shiff Doniel N Zinman Daniel | 1033 Broadway Zzno FI | | | New York | JL JN | 10019 | |
| ASM Capital | | 1633 Broadway 22nd FI | | | New York | λ | 10019 | |
| ASM Capital | Attn Beth Ann Bivona | 1000 Cathedral PI | 298 Main St | | Buffalo | | 14202-4096 | |
| ASM Capital II LP | David S Rosner Adam L Shiff Daniel N Zinman Daniel
 A Filman | 1633 Broadway 22nd Fl | | | New York | NY 10 | 10019 | |
| | David S Rosner Adam L Shiff Daniel N Zinman Daniel | | | | | | | |
| ASM Capital LP | A Fliman | 1633 Broadway 22nd FI | | | New York | | 10019 | |
| Alai Carp | Attn Vincent DAgostino & Enc H Hom | 1251 Ave of the Americas | | | New York | | 10020 | |
| ATEL I engine Community or Acout for Creditor | Vincent A Dagosino | 65 Livingsion Ave | | | Roseland | 1 | 07068 | |
| AVM Inc. | co Ionathan S Green | 150 W Jaffarron Ave Ste 2500 | | | New York | NY NY | 10005 | |
| Balance Technology Inc | c o Jonathan S Green | 150 W Jefferson Ave Ste 2500 | | | Detroit | | 48226 | |
| Bank of America N A | Attn Raniero DAversa & Jeffrey G Tougas | 1675 Broadway | | | New York | L | 215 | |
| Bank of America NA | John T Gregg | 300 Ottawa Ave NW Ste 500 | | | Grand Rapids | MI 49 | 49503 | |
| Bax Global | Robert D Gordon | 500 Woodward Ave Ste 3500 | | | Detroit | | 48226-3435 | |
| Bear Steams Investment Products Inc | Attn Francis J Lawall & Anne Mane Aaronson | 3000 I Wo Logan Sq | 18th & Arch Streets | | Philadelphia | - | 103 | |
| Seer Steerns Investment Describe Inc | Close Cation Store & Hamilton 110 | 44 Montgomery St Ste 1010 | 2.4.4 | | San Francisco | | 94104 | |
| Bear Steams Investment Products Inc | Edward C Dolan | Aut James Bromey Esq | One Liberty Plaza | | New York | NY
NY | 10006 | |
| Bear Steams Investment Products Inc | | 2347 Commercial Dr | | | Auburn Hills | | 48326 | |
| Bearing Distributors Inc | | PO Box 936 | | | Waterloo | İ | 704 | |
| Bei Technologies Inc | Robert L Elsenbach III Gregg S Kleiner | 101 California St 5th FI | | | San Francisco | ľ | 94111-5800 | |
| Bette M Walker | Anne Marie Aaronson | 3000 Two Logan Sq | 18th & Arch Sts | | Philadelphia | П | 19103-2799 | |
| Big Bend Agri Services Inc | | Big Bend Industrial Sales | 320 1st Ave Ne | - | Cairo | GA
S | 39828 | |
| BP Products North America Inc | Aftr. lames S. Carr | 101 Park Ave | | | New York | | 10022 | |
| Brinks Incorporated | eceivable | 14 East 47th St | 3rd Floor | | New York | T | 10017 | |
| Bruker Optics | Lee Harrington | Nixon Peabody LLP | 100 Summer St | | Boston | ١. | 110-2131 | |
| Canon USA Inc | Attn Paul Rubin Esq | 2 Park Ave | | | New York | NY 10 | 10016 | |
| Canon USA Inc | Attn Paul Rubin | 2 Park Ave | | | New York | IJ | 10016 | |
| Cantoola Inc | Cantoola Incorporated | 560 Jade Rd | | | Toney | | 773 | |
| Cascade Die Casting Group | | 300 Ottawa Ave NW Ste 500 | | | Grand Rapids | | 49503 | |
| Cascade Die Casting Group inc | | 300 Ottawa Ave NW Ste 500 | | | Grand Rapids | MI 49 | 503 | |
| Casco Products Corporation | Casco Products Corp | Attn Cherie Macdonald Esq | Greensfelder Hemker & Gale PC 12 Wolf Creek Ste 100 | C 12 Wolf Creek Ste 100 | Belleville | 11 62 | 226 | |
| Celestica inc and its subsidiaries | Attn Michael D Peters | 1150 Eglinton Ave | | | Toronto | L | Н7 | Canada |
| Central States Precision Grinding Inc | Sandra S Hamilton P41980 | Nantz Litowich Smith Girard & Hamilton P C | 2025 E Beltline SE Ste 600 | | Grand Rapids | I | 49546 | |
| Chemkee North Kansas City 1 Ic | Thomas R Slome, Ill Mazer Marino | PO Box 635300 | | | Cincinnati | 1 | 45263-3956 | |
| Choon T Chon | Anne Marie Aaronson | 3000 Two Locan So | 18th & Arch Sts | | Philadelphia | 1 | 103.2700 | |
| Computer Patent Annuities LP | oiba | 140 E 45th St 17th Fi | 20 | - | New York | N
Y | 10017 | |
| Computer Patent Annuities LP | opkins | 10 Light St | | | Baltimore | | 202 | |
| Computer Patent Annuities North America LLC | | 140 E 45th St 17th Fi | | | NewYork | NY 10 | 10017 | |
| Computer Patent Annuities North America LLC | Thomas D Renda Kerry Hopkins | 10 Light St | | | Baltimore | | 202 | |
| | | | | | | | | |

| Vame | CreditorNoticeName | Address1 | Address2 | Address3 | City | State | Zin | Comptoy |
|---|---|---|---------------------------------|---------------|-------------------------|---------|--|----------|
| Kickhaeter Manufacturing Co KMC | Hilary Jewett | 90 Park Ave | | | New York | ķ | 10016 | cititi y |
| Kokusai Inc | Gary Ar Gotto Esq | National Bank Plaza | 3101 N Central Ave Ste 900 | | Phoenix | 1 | 85012 | |
| Kovo Corporation of USA | Richard Ferrell | 203 N LaSalle St Ste 2500 | | | Chicago | | 60601-1262 | |
| Krieger Hervey 1 | Walaid L. Gilell | 425 Walnut St | Ste 1800 | | Cincinnati | L | 45202-3957 | |
| (uss Corporation | liev A O Noill | 1150 Wheattield Ct | | | Dayton | ᆼ | 45458-4742 | |
| uss Compration | Los V. Venetros | SUU VVOOGWARG AVE SIE Z/UU | | | Detroit | Σ | 48226 | |
| L & S Tool Inc | Jeannatta Fisan Hinshaw | 30 Park Ave 3/III Pi | , | | New York | ž | 10016 | |
| Ldi Incorporated | Nanty I Howich Smith Grand & Hamilton | 2026 E Dolding SE 61-60 | Ste 2/00 | | Indianapolis | Z | 46204 | |
| eoni Cable Inc Eft | Leoni Cable Inc | 2020 L. Dennille OC. Ole 00 | | | Grand Rapids | ₹ | 49546 | |
| Linear Technology Com | James M Stillivan | So Books Close A | | - | Rochester | Ξ | 48307 | |
| Lockbort City Treasurer | Ath Milliam Coning Con | SU Kockereller Plaza | | | New York | ž | 10020 | |
| Londacre Master Fund Ltd | Allan S Brilliant Emanuel C Collo Brian W Locare | Aug Villiam F Savino Esq | 298 Main St | | Buffalo | ≩ | 14202 | |
| | David & Depart Adam Chie Daniel M James David | oaa rexingion Ave | | | New York | ķ | 10022 | |
| Longacre Master Fund I to | David S Rosner Adam L Shirt Daniel N Zinman Daniel A Flimen | | | | | | | |
| Longace Master Fund Ltd | Educate Angell Dolmer & Dodge 11 D | 1633 Broadway 22nd Fi | | | New York | ž | 10019 | |
| ongacre Master Fund 14d | Monito I Monton | Aun Jeanne F Darcey Esq | 111 Huntington Ave | | Boston | | 02199-7613 | |
| | MOTIVE O MECIEL | Sonnenschein Nath & Rosenthal | 8000 Sears Tower | | Chicago | _ | 90909 | |
| Longacre Master Fund Ltd | Attn. Jay I Welford Thomas E Couchlin & Paige E Barr | 97777 Franklin Bd St. 2500 | | | | | | |
| ongacre Master Fund Ltd | | | | | Southfield | Σ | 48034 | |
| Longacre Master Fund Ltd | Clark Hill PC | 500 Woodward Ste 3500 | | | Detroit | - | 48226-3435 | |
| ongacre Master Fund Ltd | Douglas R Davis | 1285 Ave Of The Americas | | | Detroit | I. | 48226 | |
| | | Nancy M Clark Assistant General Counsel and | | | New York | ž | 91001 | |
| Longacre Master Fund Ltd | Barnes Group Inc | Assistant Secretary for Barnes | 123 Main St | PO Box 489 | Bristol | 5 | 06011-0489 | |
| Share Electronics Corp | Allan S Brilliant Emanuel C Grillo Brian W Hannel | 009 | | | | | | |
| Longacre Master Fund Ltd as assignee/transferee | _ | 233 Lexingion Ave | | | New York | ≱ | 10022 | |
| of Sharp Electronics Corp | | 1633 Broadism: 2224 El | | | | | | |
| | Jeannette Eisan Hinshaw | 135 N Pannesthania St | 212 2200 | | New York | ž | 10019 | |
| | Jeannette Eisan Hinshaw | 135 N Pennsylvania St | Ste 2700 | | indianapolis | 2 | 46204 | |
| Lorentson Tooling Inc | Jeannette Eisan Hinshaw | 135 N Dennewlyania St | 2007700 | | indianapolis | 2 | 46204 | |
| les LLC | | PO Box 2970 | 0027 | | indianapolis
D. Kel- | | 46204 | |
| Mark C Lorenz | Anne Marie Aaronson | 3000 Two Logan Sq | 18th & Arch Sts | | Dhiladelahia | | 14240-2970 | |
| Mark Weber | Anne Marie Aaronson | 3000 Two Logan Sq | 18th & Arch Sts | | Philadelphia | 2 4 | 19103-2700 | |
| Marquardt GmbH | Stephen A Donato | One Lincoln Ctr 18th FI | | | Syracuse | | 13202 | |
| Marquardt Switches Inc | Stephen A Donato | One Lincoln Ctr 18th FI | | | Svracuse | ž | 13202 | |
| Massachusetts Institute Of Technology Attn J | | | | | | | | |
| Mediana
Medianton Mekas Electric of Ohio | Kathryn P Johnson | Senior Counsels Office 12 090 | 77 Massachusetts Ave | | Cambridge | MA | 02139 | |
| diagnos monay Electric of Onio | Aun Robert D Gordon & Shannin L Deeby | 500 Woodward Ave Ste 3500 | | | Detroit | Z | 48226-3435 | |
| MeadWestvaco Corporation | Robin L Spear | Harry Er Gamer | Pillsbury Winthrop Shaw Pittman | 1640 Banadam. | 7 | } | 0000 | |
| MeadWestvaco Corporation | Mark D Houle | 650 Town Ctr Dr 7th FI | | 1040 Dioduway | New Tork | ž | 10035 | |
| MeadWestvaco Corporation | Karen B Dine | 1540 Broadway | | | Now York | 5 2 | 92525-7122 | |
| Mechatronics Design LLC Vendor 55-679-5784 | Francisco Javier Acosta Castaneda | Manuel Anguiano 3103 | Parques Industriales | | Righez | 2 2 | 32600 | |
| Michael P Gannon | Anne Marie Aaronson | 3000 Two Logan Sq | 18th & Arch Sts | | Philadelphia | | | |
| Microsemi Corp | Microsemi Corp | 11861 Western Ave | | | Garden Grove | 5 | 92841 | |
| dwest Tool & Die Corp | Attn Ira Herman | 919 Third Ave 39th FI | | | New York | 1 | 10022 | |
| Midwest Tool & Die Corp | Attn Mark A Warsco | 110 W Berry St Ste 2100 | PO Box 11647 | | Fort Wavne | Z | 46859 | |
| Milliken & Company | Scott L Hazan Stanley L Lane | 230 Park Ave | | | New York | ž | 10169 | |
| Minco Tool & Mold | | 370 Linden St | | | Meadville | PA | 16335-3026 | |
| Monroe Inc | Thomas P Sarb | 250 Monroe Ave NW Ste 800 | PO Box 306 | | Grand Rapids | × | 49501-0306 | |
| Morabito Dena | Morabito Dena | 12 Gallwood Dr | | | Rochester | À | 14622 | |
| Morabito Philip | Morabito Philip | 12 Gallwood Dr | | | Rochester | ž | 14622 | |
| Motorola Inc | James M Sullivan | 50 Rockefeller Plaza | | | New York | ž | 10020 | |
| Mubea Inc | | 11935 Mason Montgomery Rd Ste 130 | | | Cincinnati | L | 45249 | |
| National Divot & Mig Co | Judy A O Neill | 500 Woodward Ave Ste 2700 | | | Detroit | | 48226 | |
| National Samiconductor Com | mary Jewell | 90 Park Ave | | | New York | ΝY | 10016 | |
| National Aliminim Automotive Inc National | Cathes IV Culival | ou Kockereller Plaza | | | New York | Λ | 10020 | |
| Aluminum Impact Extrusion | | Neuman Aluminum las | | | ; | _ : | | |
| ew York Power Authority | Holland & Knight LL.P | Attn Pater Zisser Esn | 105 Brooding | | Verona | | 24482 | |
| New York State Electric & Gas Corporation | Thomas R Stome Jil Mazer Marino | 333 Earle Ovington Blvd Ninth Fl | iss produced | | New York | ž | 10037-3189 | |
| w York State Electric & Gas Corporation | | 2258 Wheatlands Dr | | | Manakin Sahot | | 11333-3022 | |
| Newark Electronics | | 4801 N Ravenswood Ave | | | Chicago | | 60640-449R | |
| ewark Electronics Corp | | 4801 N Ravenswood Ave | | | Chicago | 1= | SOUTH THE STATE OF | |
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| Name | CreditorNoticeName | Address1 | Address2 | Address3 | Ċiţ | State Zip | | Country |
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| Victory Packaging LP | Attn Ira L Herman Esq | Ira L Herman Esq | 919 Third Ave 39th FI | | New York | λ | 10022 | |
| Voss Manufacturing Inc | Stephen H Gross Chervl R Storie Stephen L Yonatv | One M&T Plz Ste 2000 | | | Buffalo | ž | 14203-2391 | |
| Vwr Corp | | PO Box 640169 | | | Pittsburgh | PA | 15264-0169 | |
| Vwr Scientific Products C | Sales | 800 E Fabyan Pkwy | PO Box 6629 | Ohare Amf | Chicago | _ | 99909 | |
| Vwr Scientific Products Corp | Acct 51370986 | Vwr Scientific Div | 3745 Bayshore Blvd | | Brisbane | CA | 94005 | |
| Wayne Wire Cloth Products Inc | Thomas P Sarb | 250 Monroe Ave NW Ste 800 | PO Box 306 | | Grand Rapids | Σ | 49501-0306 | |
| Wellman Raymond | | 1110 Harbor Hill St | | | Winter Garden | 교 | 34787 | |
| Wells Operating Partnership LP | c o Jonathan S Green | 150 W Jefferson Ave Ste 2500 | | | Detroit | Ξ | 48226 | |
| Wesco Distribution | Robert N Michaelson Esq | 599 Lexington Ave | | | New York | λ | 10022 | |
| Wesco Distribution Inc | Robert N Michaelson Esq | 599 Lexington Ave | | | New York | λ | 10022 | |
| William E Turner | William E Turner | 1502 Woodhall | | | Flint | Ξ | 48504-1989 | |
| Wintech Inc | c o Jonathan S Green | 150 W Jefferson Ave Ste 2500 | | | Detroit | Ξ | 48226 | |
| Wood Hugh G | | 351 S Edinberg Dr Sw | | | Grand Rapids | Ξ | 49548-6723 | |
| XM Satellite Radio Inc | Edward C Dolan | 555 Thirteenth St Nw | | | Washington | 20 | 20004 | |
| Xpedx | | 4140 E Paris SE | | | Grand Rapids | M | 49512 | |
| Yazaki North America Inc | Judy A O Neill | 500 Woodward Ave Ste 2700 | | | Detroit | W | 48226 | |
| Yazaki North America Inc | Hilary Jewett | 90 Park Ave | | | New York | λ | 10016 | |
| York International Corp | Elena Lazarou | 599 Lexington Ave | | | New York | λN | 10022 | |
| Yuasa & Hara | Yuasa & Hara | CPO Box 714 | | | Tokyo | | 100 8692 | Japan |
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EXHIBIT FFF

Delphi Corporation Disallowed Claims

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| Cadence Innovation 1.1 C Successor in Interest to | Dermis J Connoily Esq | Alston & Bird LLP | 1201 W Peachtree St | | Atlanta | 5 | 30309-3424 | |
| Patent Holding Company | Dennis J Connolly Esq | Alston & Bird LLP | 1201 W Peachtree St | | Atlanta | 8 | 30309-3424 | |
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| CAI Lease Securitization II Corp | Attn Christopher Smith | 3300 S Parker Rd No 500 | | | Aurora | 8 | | |
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| Cal Farleys Boys Ranch Trust Acct 50429800 | ANB 400 and Co | Attn Elena Seidictz | 15th Floor | PO Box 1 | Amarillo | ¥ | | |
| Calco Ltd | Arietas I Makkullan | 960 Muirfield Dr | 1800 District Ct Cts 700 | | Hanover Pk | | 60133 | |
| Calsonic Kansei North America Inc | Austin L McMullen | Boult Cummings Conners & Berry PLC | 1600 Division St Ste 700 | | Nashville | 2 2 | 37203 | |
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| Cameron County | Diane W Sanders | Linebarger Goggan Blair & Sampson LLP 1949 South IH 35 78741 | 1949 South IH 35 78741 | PO Box 17428 | Austin | ¥ | 78760-7428 | |
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| State Comman Ration Each Ave See Entity of the Section | ager Melva J fka Melva J Bartow | | 903 Edison Rd | | | Saginaw | MI | 48604-1171 | |
| Secretary Production Prod | agica Culafic | | 528 South 6th Ave | | | Lagrange | = | 60525-6715 | |
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| Series General Rejen Eng PO Box 373 14607 1460 | the Source International Inc. | | DO Box 084 | | | Shetaran | 2 3 | E2177 | |
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| Ford Coles | | 662 Winding Brook Ln | | | Califon | | 07830 | |
| tor Company | Jonathan S Green | k & Stone PLC | 150 W Jefferson Ave Ste 2500 | | Detroit | | 38226 | |
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| | Jonathan S Green | Miller Canfield Paddock & Stone PLC | 150 W Jefferson Ave Ste 2500 | | Detroit | | 38220 | |
| Ford Motor Company | athan S Green | Miller Canfield Peddock & Stone PLC | 150 W Jefferson Ave Ste 2500 | | Detroit | | 28220 | |
| | | Miller Cenfield Paddack & Stone PLC | 150 W Jefferson Ave Ste 2500 | | Derroit | | 35220 | |
| | | Miller Canfield Paddock & Stone PLC | 150 W Jefferson Ave Ste 2500 | | Ceroit | | 38770 | |
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| | Jonathan S Green | Miller Canfield Paddock & Stone PLC | 150 W Jefferson Ave Ste 2500 | | Detroit | | 38226 | |
| | | 291 N Mapleleaf Rd | | | Lapeer | S | 48446-8003 | |
| | | 458 Hawks Nest Circle | | | Rochester | | 14626 | |
| Form Tool & Mold Inc | James F Geronimo Esq | 283 Watnut St | | | Meadville | | 16330 | |

Delphi Corporati Disallowed Clair

| James R Phillips | | 802 Winder Coret | | | Minchester | ¥3.12 | 0220 | |
|--|---|----------------------------------|---------------------------|--|-----------------|----------|--------------------------|---|
| James R Phillips and Betty L | | Phillips it Ten | 802 Winder Court | Address of the last of the las | Minchaeter | 500 | 12801-0740 | |
| James R Wann | | 9242 Doeine Drive | SOT MINE COM | | VVINCHESIE | 3 6 | 75/01/077 | |
| lames & Shates | | SALL MOSKIB LINE | | | Midmispurg | 5 | 45342 | |
| Carries o Charle | | 802 Jerusalem Rd | | | Cohasset | MA | 02025-1045 | |
| James Susinno | | 101 Broad Ave Box 607 | | | Palisades Pk | CN. | 07650-1438 | |
| James T Baker | | 1830 Tara Cir | | | Douglasville | ঠ | 30136-1032 | |
| James T Dye Trustee Ua Dtd | 051091 The James T Dye | Living Trust | Co Jan Riss | 2435 Druey Ln | Shawnee Mission | KS | 68208 | |
| James T Licking Tr Of The | | James T Licking Tr 101 Ua | Dtd 5980 | 108 Ridge Dr | De Kelb | ٥ | 60115-1738 | |
| James T Sulivan and | | Shellth A Sufficient if Teach | 536 Victoria So | | Brichton | 150 | 40448-4407 | |
| James T Sullivan and | | Findish A Sulbvan in Tan | 1538 Victoria Sa | | Brighton | | X844E-4407 | |
| James V Barr III | | Sa Vomilion De | to since of | | in the second | 100 | 40054 4000 | |
| James V Pennington | | ASRT Bakev | | | Alees | 5 | 13034-1220 | |
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| leman SA District | Total Control of | Marie Della Della Selection | Section 1 Inde | 000 | Ta Crange | N. | SC08-1-0/04 | |
| Values vy chumit | C O DEBYETS & CIBIRET | Atm Bem E Bromerton | IZZ1 west Main Cross | P O Box 320 | Iaylowille | 111 | 99529 | |
| James VV Eyers III and | | Stephanie A Chuipek Jt Ten | 515 Westminster Ave | | Swarthmore | PA | 19081-2428 | |
| James W Byers III Cust | Marie Chiara Byers Under | The Pa Uniform Gifts To | Minors Act | 515 Westminster Ave | Swarthmore | ₽¥ | 19081-2428 | |
| James W Harvey Jr | or Mary J Harvey | 534 Lofton Rd | - | | Raphine | ۸ | 24472-9809 | |
| James W Philips | | 2400 Shipman Rd | ŕ | | Oxford | Ξ | 48371-2933 | |
| James W Sullivan Sr | | 4418 N Hway 287 | | | Alvord | <u>×</u> | 76225 | |
| James W Williams Tr | | James S Willams Living Trust | Ua 051999 | 2481 Beacon Hill Or | Rochester Hills | M | 48309-1518 | |
| Jamestown Container Lockport I | | 85 Grand St | | | Lockport | ΝÝ | 14094-2289 | |
| Jamestown Container Lockport I | | 85 Grand St | | | Lockport | Ν¥ | 14084-2289 | |
| Jamestown Moraine Inc | | 2290 Arbor Blvd | | | Moraine | ŏ | 45439 | |
| Jamestown Plastic Inc | Jeff Baker | PO Box U | 8806 Highland Ave | | Brocton | ΝY | 14716 | |
| Jamie A Szatkowski | | 65 Fine Rd | | | High Bridge | 2 | 08829-1113 | |
| Jamie A Szatkowski and | | Kenneth J Szatkowski Jt Ten | 55 Fine Rd | | High Bridge | 2 | 08829-1113 | |
| Jan Lenburg | | 2304 Holiday Court | | | Lansing | = | 60438 | |
| Jan Pak Huntsville | Jan Pak Supply Solutions | PO Box 130 | | | Bluefield | ≩ | 24701 | |
| Jane A Butler Ex Est | • | James E Buller | 295 Wilber Dr | | Stratford | 5 | 08614 | - |
| Jane A Cameron | | 29 W Glen St | | | Holyoke | MA | 01040-2922 | |
| Jane Ann Herfort | | Box 436 | | | Castine | ME | 04421-0436 | |
| lane Cotton | | 477 Gregory Dr | | | Chicago Helphis | 4 | 80411-2422 | |
| ane Gunsenhouser | | 4979 Kingswood Dr | | | Carme | Z | 46033-5918 | |
| Jane I Leyrer | | 1306 Edgemere Dr | | | Rochester | λN | 14612 | |
| Jane Jackson Betts | *************************************** | i/i Cedar Ln Kr6 | | | indiana | ₹: | 15/01-6480 | |
| Jane Murphy Komjue | | 4460 IKena PI 55 | | | Kalaheo | Ē | 96741 | |
| Jane S Pierson | | 184 Brooks Landing Dr | | | Winston Salem | S | 27106-4359 | |
| Jane Waston Hee Depository Trust Company | Š | 1000 | 200 | | 100 | Ē | 2000 | |
| I reasurers Dept | Jane Ogston Itee | INL PO RICKETI GOI EXEMPI RIC | 2087 Crawford Ct | | I ne Villages | 2 3 | 32762-3373 | |
| Caro I City | | /es Gendover Ci | | | Lexingion | K4 | 4050Z-284Z | |
| Jane I Morton | | 1589 Sunset Rd | | | | 2 | ULZ8-65/Z | |
| Janel M Francis and Judith M Davidsz | | | The Will Family Irust | 6105 South Karrington | | M | 19159 | |
| Burga M Cumpus 100 | | | Subject to Sia log Rules | SAU Crassopher DI | | 2 | 49203 | |
| Janes M Bumpus 100 | | | Subject 10 offs log rules | 1970 Christopher Dr | | 171 | 48203 | |
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| Joseph A Desemble | | 1992E M Charle Crease Oc | | | Milyanikaa | 3 | 62270 4338 | |
| Janet A Charlin | | 1948 Tollhom | | | Chrimati | | 45230 | |
| lanet & Thompson and Annette & John G Thompson | | Calles 1 Tan | 141 Finn Rd | | Minner | M | 48747-9720 | |
| Lance & Thomason and John C | | Thomses and Voltage Verble 1 Ten | 144 C Gan Dd | | Thursday | | 48747.9720 | |
| lenet E Cabibarre | | 23 The Treat | THE COLUMN | | Middleham | 2 | 07748-2008 | |
| Paret II Dit | | 144 Vivian Loop | | | Fairhone | Y. | 36532 | |
| lanet Carber | | 3 Oaks in | | | Boynton Beach | <u>.</u> | 33436 | |
| lanet H Zimmerman and Henry G Dec 3 04 05 | Lanet H Zimmerman Trustee | Janet H Zimmerman Living Trust | 4775 Village Dr 106 | | Grand Ledge | M | 48837 | |
| Janet L Curlis | | 1701 Flint Dr | | | Aubumdale | 교 | 33823-9678 | |
| Janet L Curis and Wayne D | | Curtis Jt Ten | 1701 Flint Or | | Aubumdale | ď | 33823-9678 | |
| Janet M Gordon | | 20437 Ardmore | | | Detroit | Mi | 48235-1510 | |
| Janet Mae Mcclure | | 3756 Mennonite Rd | | | Mantus | Н | 44255-9412 | |
| Janet Manning | | 1 Putnam Rd | | | East Brunswick | 2 | 08816-2749 | |
| | | | | | Description Co. | , | | |

Disallowed Claim

| Name | NoticeName | Address1 | Address2 | Address3 | City | State | Zip | Country |
|---|--|--|----------------------------|-----------|-------------------|-------|------------|---------|
| Philip Grossfeld and Joyce and Martin | | Grossfeld and Martin Grossfeld Jt Ten | 101 Piedmont C | | Delray Beach | F | 84-7950 | |
| Philip J Ferrara | | 163 So Zueffe Dr | | | Mcdermott | ᆼ | 45652-8809 | |
| Philip Marvin Elkus and Irene | | Elkus Jt Ten | 29749 Deer Run | | Farmington Hills | Σ | 48331-1979 | |
| Philip Services Corporation | c o William J Burnett Esq | Flaster Greenberg PC | 8 Penn Center 15th Fl | | Philadelphia | A | 19103 | |
| Philip W Atkinson Jr Estate of | | PO Box 16 | | | North Turner | ΨM | 04266-0016 | |
| Phillip D Short | | 1322 Black Forest Dr B | | | West Carrollton | Н | 45449 | |
| Phillip J Yeiter and | | Nancy A Yeiter Jt Ten | 1350 Granada Dr Nw | | Walker | Σ | 49544-2217 | |
| Phines V Moore and Maxine Moore Jt Ten | | 5052 Seebaldt | | | Detroit | Ξ | 48204-3757 | |
| Phoenix Analysis & Design Technologies | | 7755 S Research Dr Ste 110 | | | Tempe | ΑZ | 85284-1803 | |
| Phoenix Passive Components | | 1 Greenwich Pl | | | Shelton | 겁 | 06484-4618 | |
| Phoenix Pumps Inc | | 8935 Gateway Blvd S Ste A2 | | | El Paso | ¥ | 79904 | |
| Photo Stencil LLC | Lars H Fuller Esq | Rothgerber Johnson & Lyons LLP | 1200 17th St Ste 3000 | | Denver | တ | 80202-5855 | |
| Phyllis & M Pierce | | E M Pierce Jt Ten | 1595 Parmenter Rd | | Corunna | Ē | 48817-1701 | |
| Phyllis Ann Mc Dade | | 11200 North Kendall Dr | | | Miami | 교 | 33176 | |
| Phyllis Ballentine | | 706 W Mill St | | | Danville | Z | 46122-1551 | |
| Phyllis E Gavlik | | Co Phyllis E Cmar | 3545 Nichols Rd | | Medina | 퓽 | 44256-9261 | |
| Phyllis Fure | | Apt F 1 | 2614 Nassau Bend | | Coconut Creek | 교 | 33066-2721 | |
| Phyllis L Dow | | 8880 E Broadway | Apt 245 | | Tucson | ΑZ | 85710-4062 | |
| Phyllis M Bidwell | | 1378 Gentle Bend Dr | | | Missouri City | ¥ | 77489-4112 | |
| Phyllis M Kaplan and | | Irvine Kaplan Jt Ten | 23450 Riverview Dr | | Southfield | Ξ | 48034-2051 | |
| Phyllis T Mcbride | | 171 Grace Church St | | | Rye | ž | 10580-4211 | |
| Phyllis W Huntley | | Box 677 | R D 2 | Route 145 | Cairo | ž | 12413-0677 | |
| Piedmont Natural Gas Company | CBO Bankruptcy | 4339 S Tryon St | | | Charlotte | NC | 28217-1733 | |
| Piedmonte Steven | | 16652 Lynch Rd | | | Holley | λN | 14470 | |
| Pierce J Sims | | 363 Horizon | Box 756 | | Oakwood | 11 | 61858-0756 | |
| Pietra James | | | | | Youngstown | ᆼ | 44512 | |
| Pland Brenda | J Barton Warren Esq | Warren & Simpson P C | 105 North Side Square | | Huntsville | ٩r | 35801 | |
| Pillar induction Co LLC | | 21905 Gateway Blvd | | | Brookfield | \$ | 53045 | |
| Pillar induction Co LLC | | 21905 Gateway Blvd | | | Brookfield | \$ | 53045 | |
| The Induction Co LLC | | Z1905 Gateway Bivd | | | Brookfield | Š | 53045 | |
| Pillarhouse USA Inc | J Ted Donovan | rinkei Goldstein Rosenbloom & Nash | 26 Broadway Ste 711 | | New York | È | 11004 | |
| | | Finkel Goldstein Rosenbloom & Nash | | | | | | |
| Pillarhouse USA Inc | J Ted Donovan | LLP | 26 Broadway Ste 711 | | New York | ķ | 11004 | |
| Pima County Treasurer Pima County Assessor Pima
County Arizona | Pima County Attorneys Office Civil
Division | 32 N Stone Ave Ste 2100 | | | Tucson | 47 | 85704 | |
| Pinal County Treasurer | | Dolores J Dolittle | PO Box 729 | | Florence | 47 | 85232-0729 | |
| Pine Valley Packaging Limited | | 1 Parratt Rd | | | Uxbridge | N C | 1.9P 1R1 | Canada |
| Pinter Door Sales Inc | | PO Box 216 | | | Monmouth Junction | 2 | T | |
| Pitney Bowes Credit Corporation | Attn Recovery Dept | 27 Waterview Dr | | | Shelton | 5 | 06484-5151 | |
| Pitney Bowes Credit Corporation | Attn Recovery Dept | 27 Waterview Dr | | | Shelton | 15 | 06484-4361 | |
| Pitney Bowes Credit Corporation | Attn Recovery Dept | 27 Waterview Dr | | | Shelton | 5 | 06484-4361 | |
| Pitney Bowes Credit Corporation | Attn Recovery Dept | 27 Waterview Dr | | | Shelton | 5 | 06484-4361 | |
| Pla Industrial Fund I Lic | c o Greenberg Traurig LLP | Nancy A Peterman | 77 West Wacker Dr Ste 2500 | | Chicago | 긜 | 60601 | |
| Pla Mexico Industrial Manager I LIc | c o Greenberg Traurig LLP | Nancy A Peterman | 77 West Wacker Dr Ste 2500 | | Chicago | II. | 60601 | |
| Plainfield Molding Inc | | 24035 River Walk Ct | | | Plainfield | 11 | 60544 | |
| Plainfield Stamp Illinois Inc | | 1351 North Division St | | | Plainfield | 1 | 60544 | |
| Plainfield Stamping Texas Inc | | PO Box 265 | | | Plainfield | 11 | 60544 | |
| Plainfield Stamping Texas Inc | | PO Box 265 | | | Plainfield | 1 | 60544 | |
| Plainfield Tool & Engineering | | Plainfield Stamping Illinois | 24035 Riverwalk Ct | | Plainfield | II. | 60544-8145 | |
| Plaintiff class in Bernstein v Delphi Trust I et al In re
Delphi Securities Derivative & ERISA Litio | Gary S Graifman Esd | c o Kantrowitz Goldhamar & Graifman PC 747 Chestrut Ridoe Rd | 747 Chestruf Ridge Rd | | Chestout Bidge | Ņ | 10977 | |
| Plastic Omnium Auto Exterior LLC | Attn Bruno Asseln | 1050 Wilshire Dr Ste 170 | 3 | | Trov | × | 48084 | |
| Plastic Plate Inc | Attn Nick Hmvak | 5460 Cascade Rd Se | | | Grand Ranids | × | 49546 | |
| Plastic Plate Inc | Attn Nick Hrnvak | 5460 Cascade Rd Se | | | Grand Rapids | Σ | 49546 | |
| Plastic Solutions Inc | | 759 W Chippewa Ave | PO Box 2378 | | South Bend | Z | 46680 | |
| Plastic Solutions Inc | | | 759 West Chippewa Ave | | South Bend | Z | 46680 | |
| astic Solutions Inc | | PO Box 2378 | 759 West Chippewa Ave | | South Bend | Z | 46680 | |
| Plastic Solutions Inc | | | 759 West Chippewa Ave | | South Bend | Z | 46680 | |
| | The Law Offices of Markian R | | | | | | | |
| PlastiCert Inc | Slobodian | 801 N Second St | | | Harrisburg | PA | 17102 | |
| | | | | | | | | |

| Name NoticeName | NoticeName | Address1 Think Taylor Control Control | Address2 | Address3 | City | State | | Country |
|---|---|---------------------------------------|---|---|-------------------|-----------|------------|----------------|
| | Aut Cynina Lowell | OZU ECKNI KU | | | Penytourg | 5 2 | 40001 | |
| United States Council For international Business | ************************************** | 1212 Ave of the Americas | | | New York | Z | 10036-7069 | |
| Jured States Plastic Corp | | 1380 Neubrecht Rd | | | Cuma | 5 | 45607 | - |
| United Telephone Company of Ohlo | MS KSOPIIT0101 Z2800 | B3B1 Sprint Pkwy | | | Overland Park | KS | 66251-2800 | |
| United Telephone Company of Oblo | | PO Box 7971 | | | Shawnee Mission | ĸS | 66207-0971 | |
| United Way Of Clinton Cty | | 31 West Main St | | | Wilmington | ᇹ | 45177 | |
| | | | | | | | _ | |
| Unitoals Press Cz As | | Firanicka 328 | | | Valasske Mezirici | 4 | 75701 | Czech Republic |
| Univar USA Inc | | PO Box 34326 | | | Seattle | WA | 98124-1325 | |
| Universal Conservation Lic | | PO Box 637 | | | Wharton | 2 | 07885 | |
| | | Board of Regents of the University of | | - | | : | 200 | |
| University of Wisconsin Parkside | | Wisconsin System | 1860 Van Hise Hall | 1220 Linden Or | Madison | × : | 6001-90/69 | |
| Uptrnor Matthew | | 6361 Leuen | | | Meulbes | į. | 48604 | |
| IS Customs & Border Brotection | Robert B Hamilton Jr Director
Reversite Division | 8850 Telecom Or | PO Bey 68911 | | Indianapolis | 2 | 46268 | |
| | Dobert D Hamilton is Director | | | | | | | |
| US Customs and Border Protection | Robert a namelical of Descript
Revenue Division | 6650 Telecom Dr | PO Box 68911 | | Indianapolis | 2 | 46268 | |
| Control Property Control Control | Robert B Hamilton Jr Director | Consider Case | P. C. C. C. C. C. C. C. C. C. C. C. C. C. | | Indianalie | 2 | ABORB | |
| Considering and border represents | Dobot B Hamilton Ir Director | ocean selection of | TO COM COST I | | IIIMIGIRADAINS | <u> </u> | 2000 | |
| US Customs and Border Protection | Revenue Division | 6650 Telecom Dr | PO Box 68911 | | Indianapolis | Z | 48268 | |
| S Equal Employment Opportunity Commission | Donna L Williams Alexander Esq | AJC Federal Bullding Suite 3001 | 1240 East Ninth Street | | Cleveland | ᆼ | 44199 | |
| US Filter fondure Inc. | | 10 Technology Or | | | Lowell | MA | 01851-2728 | |
| JS Timken Co | Attn Robert Morris | 1835 Dueber Ave SW | PO Box 6927 | | Canton | 공 | 44708-0927 | |
| JS Timken Co | Attn Robert Morris | PO Box 6927 | 1835 Dueber Ave SW | | Canton | 8 | 44706-0827 | |
| Us Xpress Enterprises Inc Eft | Denise Ware | 4080 Jenkins Rd | | | Chattanooga | Z | 37421 | |
| Usa Mobility Inc | | Metrocal | 890 E Heinberg Street | | Pensacola | | 32502 | |
| J# Corp | | Utitiec Div | 169 Callender Rd | | Watertown | 5 2 | 791-06/901 | |
| Villies Instrumentation Serv | | SUGN RWar St | | | Tostiana | W. | 40 1300 | |
| JW Parkside | Cashers Office | PO BOX 2000 | | | Dover | MAIN MAIN | 48130 | |
| Vector for instance | Aut Acquey Aesign | Amago Varea Ct | | | South Fl Monte | ð | 81733 | |
| Valority Burlon | | 24K0K Normandala | | | Beverly Hills | 2 | 48025 | |
| /alentine Robotics Inc | | 36825 Metro Ct | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | Sterling Hts | M | 48312-1009 | |
| aleo Climate Control Corporation | Attn Christopher R Connely | 3000 University Dr | | | Aubum Hills | MI | 48326 | |
| Valeo Electrical Systems Inc Motors and Actuators | | | | | | | | |
| Jivision | Attn Christopher R Connely | 3000 University Drive | | | Auburn Hills | V. | 48326 | |
| /alao Electrical Systems Inc Wipers Division | Attn Christopher R Connely | 3000 University Or | | 3 | Aubum Hills | M | 48328 | |
| Valeo Schalter Und Sensoren | | Gmbh | Gustav Rau Str 4 | Special Wemaing | Authore Dille | - | 48926 | Germany |
| rateo Switches and Detection Systems Inc | Aun Christopher R Comery | SOCO University Li | 1000 | - | Ciliate Ciliate | | 40507.4720 | |
| alerie A Dutton and | | David H Dutton of Ten | TUSO WOODWIEW LIT | | Dochedor | >N | 14818 | |
| Valerio Raymond | | 25 COMMONWEATH KG | | | San Disgo | YO. | 92121-2911 | |
| failure Cohonde and Chemicale | | DO Boy 18 | | | Combes | × | 78535 | |
| Alve Sales Inc | | PO Box 57003 | | | Oktahoma City | OK | 73157 | |
| Van Dyne Crofty Inc | | 8039 Washington Village Dr Ste 11C | | | Dayton | НО | 45458-1888 | |
| Van Dyne Crotty Inc | | 8039 Washington Village Dr Ste 11C | | | Dayton | 픙 | 45458-1888 | |
| Van Dyne Crofty Inc | | 8039 Washington Village Dr Ste 11C | | | Dayton | Ы | 45458-188B | |
| Vandalia City of Oh | | 333 James E Bohanan Memorial Dr | | | Vandalia | 5 : | 45377 | |
| Vaneta I. Esbaum | | 6122 Northwest Blvd | | | Davenport | 4 | 92000-1949 | |
| Vangel J Geotts | | (45 Lake Pkwy | 407 No. 1 - House, Asses | | Webster | Y O | 23402 | |
| Vanguard Distributors Inc | | DO DIV NS FROM ROOM (37 U/OU | Of the Laured Ave | | Savarnah | 5 | 31402 | |
| Managara Distributors Inc. | | Ks From Rd144431400 | PO Box 608 | 107 Ne Lathrop Ave | Savannah | ð | 31402 | |
| Variation Distribution and En | | 1721 Meravian St | | | Columbus | 공 | 43220-2585 | |
| Vector Cantech Inc | Lindsev Stetson | 150 W Jefferson Ste 2500 | | | Detroit | M | 48228-4415 | |
| Vectran Energy Delivery | Attn Sharon Armstrong | PO Box 209 | | | Evansville | X. | 47702 | |
| felda J Tyler | | 21877 State Hwy 21 | | | Tomah | Ş. | 54680-8023 | |
| Vella S Purnell | | 1107 Hilds Court | | | Venice | 76 | 34233-2018 | |
| Velma Martin and Joseph F | | Martin Jf Ten | 8074 Mad River Rd | | Claveland | 5 5 | 42423-1000 | |
| enture Plastics inc | Jenrey M Levinson | MBIGUINDS OF LOVINGS IN LLCT | SO TOO CHARGE CIVE IN CO. | | | | | |

| Academy Olacel Euglini Stw | - CREDITORNO DOGNAME | DOSE INFORMATION DA | ADDRESSZ | ADDRESSS | Ment There's | 2 V V V | 70500 | COUNTRY |
|-----------------------------------|---|--------------------------------|--|-------------|------------------|----------|------------|----------------|
| Acal Precision Products | | 20200 Comille Dr | | | Roseville | 12 | 48066 | |
| Accel Thermal | | 3709 Medford St | | | Los Angeles | | 90063 | |
| Accelerated Technologies Inc | | 2748 Circleport Dr | The state of the s | | Erlander | | 41018 | |
| Accellent Endoscony | | 2801 South Vallein Si | | | Foolewood | | 80110 | |
| Accent Optical Technologies | | 131 Nw Hawihorne Ste 207 | | | Bend | | 97701 | |
| Acconture Sas | | 118 Ave Ds France | | | Paris Cedex 13 | | | France |
| Access | | | Ste A2 | | Farmington Hills | × | 1 | |
| Access Ability UK Ltd | | | | | Manchester | | | United Kingdom |
| Access Electronics Da Maxico | | Carrelera Internaconal Guadala | Nogales Km 2 No 1869 Col Parqu | | Empalme | | 85340 | Mexico |
| Access Electronics Inc | | 4190 Grove Ave | | | Gumea | II. | | |
| Access One Technology Group | BM Finn | 23373 Commerce Dr | Sie A2 | | Farmington Hills | | 48335 | |
| Access One Technology Group | | 217 | 23373 Commerce Or Ste AZ | | Farmington Hills | × | 48335 | |
| Accountemps | Michael Outlette | 10370 Richmond Ave 100 | | | Houston | | 77042 | |
| Accrepty inc | | 4083 E Alport Rd | | | Ontario | | 91761 | |
| Accro Gasket | *************************************** | 17366 Dalmier | | | Ivine | | 92614 | |
| Accimowledge | | PO Box 8039 | | | *#51 | | 74101-803B | |
| Accurate Control of Control | | 4238 40 N Sayra | 100000000000000000000000000000000000000 | | Nominge | | 00004 | |
| Account of the American | | 4420 Contel Div | אינו אינו כווא פ כו ביוע | | Koot | , | 44240 | |
| Accuma Com | | 133 Earliny Rd | Rmt Cha Ber I tr 10/02 Cm | | Stateswife | | 28626 | |
| Accuracy Products | | 2551 Thurderhawk Ct | Bio | | Davion | | 45414 | |
| Accurate Carbide Tool Co Inc | | 15655 N Westervalt Ava | | | Sadnaw | W | 48604-1237 | |
| Accirate Casting Inc | | Hier Industries | 118 Koomler Dr | | La Porte | | 46350-2546 | |
| Accurate Felt & Gasket Min Co | | 3239 S 51st Ave | | | Clcero | ۳ | 60650 | |
| Accurate Products Inc | | 4645 N Ravenwood Ave | | | Chicago | = | 60640-4584 | |
| Accurate Technologies Inc | Maxwell Church | 47199 Cartier Dr | | | Wixom | 3 | 48393 | |
| Accurate Technologies Inc. | | 47199 Cartler Dr | | | Мжош | ž | 48383 | |
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| Ace American Insurance Company | Margery N Reed Esq | Duane Monts LLP | 30 S 17th St | | Philadelphia | PA | 18103-4186 | |
| Ace American Insurance Company | Rob Walters | | Ste 400 | | Chicago | 11 | 60661 | |
| Ace Asphalt & Paving Co Inc | | | | | Fint | | 48506 | |
| Ace Bolt & Screw Co | Hector/george Ortiz | 1945 International Bivd | | | Brownsville | ¥ | 78521 | |
| Ace Bolt & Screw Co | | 530 Julienne St | | | Jackson | | 39201-6427 | |
| Ace Forwarding | | 2201 Uvalle 18 | | | Mcallen | × | Sanda/ | |
| Ace Hardware | | 8258 County Rd 13 | | | - itestone | 3 | 80504 | |
| Ace Packaging Systems Inc | | PO BOX 720 | | | Monice | 100 | 40101 | |
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| Ace Paper Produce inc | Kris Leonard / Adam Comerus | PO BOX (20 | | | Fort Wavne | 3 | 46808-3643 | |
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| Aci Services I for | | 1550 Alberri Si | Add Chg 01/27/04 Am | | Vancouver | 8 | V6G 1A5 | Canada |
| Acme Carbide Die Co Inc | | 6202 E Executive Dr | | | Westland | | 48185-1933 | |
| Acme Diesel | | 4724 Rulledge Pike Ne | | | Knoxvile | | 37914-3299 | |
| Acme Dock Specialists Inc | | 3030 Gilham Rd | | | Kansas City | | 64108 | |
| Acme Machell Co Inc | | 2000 Airport Rd | Rmt Add Chg 8 00 Ltr Tbk | | Waukesha | Ş | 53187 | |
| Acme Machine Automatics inc | | PO Box 579 | | | Official | F | 45876 | |
| Acme Mills Co Inc | | 2665 Airport Rd | | | Santa leresa | ž | 98000 | |
| Acme Spirally Wound Paper | | Products Inc Add Chg 4 99 | 4810 West 139th St | | Cleveland | 5 | 44135 | |
| Acme Stamping & Wire Forming | | ខ | | 201 Corliss | Pittsburgh | ¥ 9 | 15242 | |
| Acmos Inc | | 1327 Ashlon Rd | | | ranovar | 3 5 | 24703.5064 | |
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| Acn 067 275 950 Pty Ltd | | PO BOX 142 | | | Ramilis | W | 48174 | |
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| Accel inc | | 2711 Product Or | | | Rochester Hills | Z | 48309 | |
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| Aron Technolom Coro | | 23103 Miles Rd | | | Cleveland | 둉 | 44128 | |
| Acoustical Systems Eng Inc | | PO Box 146 | | | Vandelia | 둉 | 45377 | |
| Acoustiseal Corp | | 3900 Empire Rd | | | Kansas City | Ş | 64120 | |
| Acqiris Usa | Phil Gregor | 243 Cromwell Hill Rd | | | Monroe | ž | 10960 | |
| Acra Inc | | 2525 Aero Pk Dr | 1 | | Traverse City | E I | 4965b | |
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| onig metals Group Inc | | Steel Processing Div | 1500 E Euclid | | Detroit | | 48211-186 | |
| and wetas Grap inc | | Steel Processing Div | 1500 E Euclid | | Detroit | M | 48211-1860 | |
| Sio Chem Valve Inc | John Albrech | 85 Fullon St | | | Boonton | | 90020 | |
| Blo Rad Laboratories Inc | | Sadtlar Research Laboratories | 3316 Spring Garden St | | Philadelphia | ΡA | 19104 | |
| Blo Serv Corp | | Rosa Exterminator Co | 1902 N Michigan Ava | | Sadinew | ž | 48602 | |
| Blo Serv Corp | | Rose Exterminator Co | 3883 Clay Ave Sw | | Grand Ranks | 2 | 49549 | |
| Stochem Valve | | 85 Fulton St | | | Boonton | Ž | DZOOF | |
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| Simingham Electric Battery Co | Bobby Sexton | 2201 Second Ave South | | | Birmingham | ₩ | 35233 | |
| Bisco Industries Inc | | 1800 W Oxford Ave | エきつ | | Sheridan | 8 | 80110 | |
| Bishop Steering Technology Inc | | 8802 Bash St Ste A | | | Indianabolis | | 48256 | |
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| Black & Decker Corp The | | 610 River Rd | | | Shelton | CT | 06484 | |
| Black Box Corporation | Jackie Sammarco | PO Box 371671 | | | Pitsburgh | Ad | 15251-7671 | |
| Slack Box Network Services | | 8ds 12 0978 | PO Box 86 | | Mercapolis | NS | 55485-0976 | |
| Black Pockets Industries | Howard Black | 7640 Fact Calding Rd | | | Scottsdale | | 85260-0000 | |
| Black Bluer Manufacturing Inc. | | 200E 20th C4 | | | Bort Himm | 13 | 48060 | |
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| Sackhawk Automotive Plastics | | 800 Pernsylvania Ave | | • | Eogn | E C | 44460 | |
| Blackhawk Automotive Plastics | | Worthington Custom Plastics | 500 N Warpole St | | Upper Sandusky | Ä | 43351-9061 | |
| Blades J | | 5934 Stumph Rd Apt 104 | | | Parma | Ä | 44130 | |
| Blaidsde# S | | 19350 Barnett | | | Marysville | OH | 43040 | |
| Blair Strip Steel Co | | 1209 Butler Ave | | | New Casfle | PA | 10107 | |
| Blakeney N | | 6171 Bert Kouns D105 | | | Shreveport | | 71129 | |
| Blakley Corp | | 18080 E 8816 St | | | Indianapolis | Z | 46258 | |
| Stanchard M | | 3501 Chambion Lake Blvd Apt 1101 | | | Shreveport | 5 | 71106 | |
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| Stue Care Network | | ZODOU CIME CIT DI | | | Southield | E S | 40000 | |
| Blue Cross Blue Shield Of Michigan | John Fitzpalrick | 600 Lafayette East | | | Detroit | E i | 48228-2998 | |
| Blue Cross Blue Shield Of Texas | Barbara Lugo | Лто Вие | 118 Mess Pk Dr | | El Paso | 1 | 79912 | |
| Blue Cross Blue Shield Of Wisconsin | Andy Dole | /compcare Blue | 20855 Watertown Rd Sie 140 | | Waukesha | ĺ | 92100 | |
| Blue Cross Blue Shield Of Wisconsin | Andy Dole | //dentacare | 20855 Watertown Rd Sie 140 | | Waukesha | | 63186 | |
| Blue Line Trucking | Roger Kolehagen | 1640 S Reess Rd | | | Reese | | 48757 | |
| Blue Oval Service Inc | | W148 N 8183 University Dr | | | Menomonee Fals | | 53051-3825 | |
| Blue Ridge Diesel | | 1016 Delaware St | PO Box 867 | | Safera | \$ | 24153-0867 | |
| Glue Sea Systems inc | | 425 Sequola Dr | | | Bellingham | ۱ | 98226 | |
| Blue Shield Of Ca | | Cash Receiveing File 55331 | | | Los Angeles | | 90074-5331 | |
| Blue Water Automotive Systems Inc | Lexinton Plan Carco Plant | 1515 Busha Hwy | | | Marysville | ١ | 48040-1754 | |
| Blue Water Plastics Co 1 | | 315 S Whiling | | | St Ctair | ١ | 48079-1883 | |
| Blue Water Plastics Inc | Karen Stoeber | 315 South Whiting St | | | St Clair | 3 | 48079-0191 | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |
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| Blundell Production Equipment Ltd | | 203 Tomington Ave Tile Hill | | | Coverity West Midlands | S | CV4 BD I | United Kingdom |
| amb Steering Innovation Fit | _ | | | | | | | |

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| D & P Corporation | | 42400 Maini Ka | | | Sienng Heights | T | |
| C & G Consuling Inc | | | | | Bounding | 01049 | |
| D & L Energy Inc | | | 2761 Sall Spring Rd | | Youngstown | | |
| D & M Refrigeration Inc | | | | | Buffalo | | |
| 2 & M Tool Corp | | | Rural Rt2 PO Box 502a | | Springville | IN 47462-9521 | |
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| O & R Technology Lic | | 460 Watery Point Dr | | | Giendale Heighis | 11. 60139 | |
| D & S Machine Products Inc | | 16965 Us 50 W | | | Aurora | 47001 | |
| D & W Dieset Inc | | 1731 Main St | | | North Oxford | MA 01537-1105 | |
| D & W Diesel Inc | | 3005 Walden Ave | | | Depew | | |
| D & W Diesel Inc | | 20 Sacinaw Dr | | | Rochester | | |
| D.R. W. Diesel inc | | 13 Warehouse Row | | | Albany | | |
| 2 e techinosi inc | | 1600 5100 5100 | | | Aubuta | | |
| | | 1900 Chain St Nu | | | Charles | 20777 | |
| U & W Liesel inc | | 14201 Industral Ave South | | | CIEVERATO | | |
| D A Inc | | | | | Charlestown | | |
| D.A.Lubricant Co | | | 7449 Morgan Rd | | Uverpool | NY 13090 | |
| DA Lubricant Co Inc | | | 4801 N Ravenswood Ave | | Chicago | | |
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| O L Technology Llc | | | | | Haverhill | | |
| D.M.E. Company Ltd Corp | | | PO Box 78000 | | Detroit | MI 48278-0242 | |
| M. P. I Implant | | | 1828 Mapletawn Dr | | Trov | | |
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| Squared Co | | 1225 N Mondel Ur | | | Calbert | 00770 | |
| V Diesel | | 9500 Nw 77th Ave Bay 10 | | | Halean Gardens | | |
| 34b Contractors | | 204 Hawthorne Dr | | | Clark | | |
| D&d Design/alabama inc | | 3113 try Ave Sw Ste D | | | Huntsville | 35805 | |
| 3&d Designs Inc | | 1920 Tacoma Ct | | | CFB | | |
| 38d Machinery Movers Inc | | 124200 Groesbeck Hwy | | | Warren | MI 48089 | |
| Sa Consulting inc. | | 3708 Monarch Dr | | | Bountiful | UT 84016-8016 | |
| J. C. C. C. Control Infection Moldings | | D & M Plastics | 150 French Rd | | Burlington | R. 60109 | |
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| D2t America inc . | | 44990 Vic Werlz Dr | | | Canon township | ١ | |
| Da Pro Rubber Inc | | 28635 N Braxton Ave | | | Valencia | CA 91408 | |
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Delphi Corporation Executory Contracts and Unexpired Leases

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| as Temco Inc | | 6 Electronics Ave | | Danvers | Ī | 01923 | |
| and Local Sch Dsl Board Of Education | Treasurer | 8200 South St Se | | Warren | OH 44484 | | |
| and Springs Water Co Inc | | 8707 Howland Springs Rd Se | The second contract of the second designation of the second of the secon | Warren | OH 4448 | | |
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| roducis Corp | | | | Indianapolis | | 3-2560 | |
| ony | Customer Service | 3404 E Harmony Dr | | Fi Collins | CO 80528 | 80528 | |
| Brois Inc | | Dept 77 6296 | | Chicago | | 60678-6296 | |
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| achnologies inc | | 6570 18 Mile Rd | | Sterling Helolits | | | |
| | Rodney Smith | 3011 Malibu Canyon Rd | | Malibu | CA 9026 | - | |
| ssembly Inc | | | | Rochester | Ì | _ | |
| | Simon Jackson | | 452 Fifth Ave Tower 9 | New York | NY 10018 | | |
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| | | 701 Congressional Blvd Ste 110 | | Carmel | IN 4603 | 2 | |
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| | | 3900 E Washington Rd | | Saginaw | | 18601-9623 | |
| ar & Suhner Inc | | 19 Thompson Dr | | Essex Junction | VT 0546; | 05462-3408 | |
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| art Stueken Gmbh | | Atte Todenmanner Str 42 | | Rintein | 3173 | | Germany |
| r Fasteners | | 665 W Armory Dr | | South Holland | IL 80473 | | |
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| 6 Integration Software | Ed Hume | 35 Sundown Pkwy | | Austin | TX 78746 | 9 | |
| phrey Express Inc | | 403 Margaret Ave | | Wallaceburg | ON N8A2 | 248 | |
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| Ington Foam Corp | Ken Josh | 2402 Clinton Ave W | - Linear Control of the Control of t | Huntsville | AL 3680 | 36805 | |
| BVILL REGIO OVO IIIV | IVeri Coop | PO Box 281 | | Spokane | ١. | | |
| n Fuel Injection Limited | | Highway 4 South Pobox 1471 | | Cimion | | | Caneda |
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| as Affermarket & Lucas Ltd
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| as Milhaupt Inc | | 46 Pk St | | | London | | United Kingdom |
| | | 5656 S Pennsylvania Ave | | | Cudahy | WI 53110-245 | |
| ucas Milhaupt Inc | | 5656 S Pennsylvania Ave | | | Cudahy | | |
| .ucas R | | PO Box 391 | | | Franklin | OH 45005 | |
| ucas Tvs Diesel Systems Ltd | Tk Balaji | No 6 Patullos Rd | | | Chennai 600 002 | | India |
| uce Rubio | | 7281 Luz De Ciudad | | | El Paso | | |
| ucent lechnologies inc | | 600 Nountain Ave | | | Murray Hill | NJ 07974 | |
| Lucent Technologies Inc Assigned To Fitel Usa
Corp | Tom Twomey | 600 Mountain Ave | | | Murray Hill | N.J | |
| Lucent Technologies Inc Intellectual Property | 6 | | | | | | |
| Business | | 14645 Northwest 77th Ave | Ste 105 | | Miami Lakes | FL 33014 | |
| uck Marr Plastics Inc | Marco Pierobon | 35735 Stanley Dr | | | Sterling Heights | MI 48312 | |
| Luck Marr Plastics Inc | | 35735 Stanley Dr | | | Sterling Heights | | |
| uckett P | | 2225n Buffum St | | | Milwaukee | | |
| uckett T | | 2117 Castle Ln | | | Flint | MI 48504 | |
| uckman James E | | | | | Carmel | | |
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| uk Do Brasil Embreagens Ltds | | Fundicao Luk | Rua Dr Jose Fabiano De C Gurja | Distr Indi Luiz Torrani | Mogi Mirim | | |
| uke & Singer Party Ltd | | 20210 E 9 Mile Rd | | | Saint Clair Shores | MI 48080-1791 | |
| -um Equipment | Randy Lum | 23214 Glover St | | | Shady Point | | |
| umbee Enterprises Inc | Decky Swalls | 7800 Nineteen Mile | | | Starling Heights | MI 48314 | |
| Lumbee Enterprises Inc | | 415 Axminister | Add Cha 02/03 Mh | | Fenton | | |
| o Manufacturing Co | | 2027 Mitchell Lake Rd | | | Attica | | |
| umex Inc | Tres Olvera Ext 1535 | 290 E Helen Rd | | | Palatine | | |
| uminous Group | | 31700 Thirteen Mile Rd Ste 200 | Ad Chg Per Letter 02/18/04 Am | | Farmington Hills | | |
| -unal | | C/o Wetzel Inc | 5001 Enterprise Dr | | Warren | | |
| unal C/o Wetzel Inc | John Kalogerou | 5001 Enterprise Dr | | | Warren | OH 44481 | |
| unal Inc | | C/o Warren Screw Machine | 49 W Federal St | | Niles | | |
| Lundberg Denys | Attn Howard S Sher | Jacob & Weingarten P C | 2301 W Big Beaver Rd Ste 777 | | Iroy | MI 48084 | |
| Lundberg Edward | | Decimendance Pc | 2301 W big beaver Rd Ste 777 | | l roy
Duebla | | Maxico |
| unt Manufacturing Co Inc | | 816 E 4th St | | | Royal Oak | MI 48067 | |
| upini Targhe | | C/o Kenmar Corp | 17515 W 9 Mile Rd Ste 875 | | Southfield | | |
| upini Targhe S R L | | 24040 Pognano Bg | Via Delle Gere | | | | Italy |
| sales Inc | Kathy Potts Ext 212 | 4675 Turnberry Dr | | | Hanover Pk | • | |
| vi Environmental Services Inc | | 120 Elmgrove Pk | Ad Ch 10/10/03 Am | | Rochester | NY 14624 | |
| l echnologies Inc | | 3330 W Mclane Hwy 34 W | 4304 Who often Sto 700 | | Usceola | | |
| ydall Central Inc | | Lydall Westex Thermal Against Officers | 1391 Wheaton Ste 700 | | Logistic | MI 48083 | |
| ydaii i leiii lairacousiicai ii ic
Vkes Lines | | PO Box 930681 | 1241 Duch Globals No | | Atlanta | | |
| yman Agencies Ltd | | 3785 Myrtle St 202 | Hid Td Confirmation | | Burnaby | BC V5C 4E7 | Canada |
| ynch Metals Inc | | 1075 Lousons Rd | | | Union | | |
| ynch T | | 1801w Manitowoc Ave | | | So Milwaukee | WI 53172-2937 | |
| ynchesky L | | 921 W Holland St | | | Carthage | TX 75633 | |
| -ynn Whitsett Corporation | | 4126 Delta St | | | Memohis | TN 38181-0280 | |
| ynn Willsen Colporation | | 6145 Windstone In | | | Clarkston | | |
| Lyon Manufacturing Inc | | 13017 Newburgh | | | Livonia | MI 48150 | |
| M & D Distributors | Mark Morris | 827 N Bell | | | San Angelo | | |
|) Distributors | | 6931 Navigation Blvd | PO Box 9488 | | Houston | TX 77011 | |
| M & D Distributors | | 6904 N Shephard | | | Houston | | |
| M & D Distributors | | 213 Flecha Ln | | | Laredo | | |
| M & D Distributors | | 1002 Paulsun St | | | San Antonio | - 1 | |
| M & D Distributors Dallas | | 4828 Calvert St | | | Dallas | TV 78524 | |
| Gilla Floa Nesealcii
H Flectric Fahricators Eff | | | 13537 Alondra Blvd | | Santa Fe Springs | | |
| M & N Plastics Inc | | 6450 Dobry | | | Sterling Hghts | MI 48078 | |
| 2 Plastic Products | | | 26 Spur Dr | | El Paso | | |
| R Industrial Services Ltd | | 4099 Breck Ave Westminster | | | London | | Canada |
| M & R Trailer Rental Llc | | 1754 Chip Rd | | | Kawkawlin | | |
| M & S Manufacturing Co | | 550 E Main St | | | Hudson | MI 49247 | |

| Magna Donnelly Mirrors North Americ | | 6161 Bancroft Ave Se | | | Allo | <u> </u> | 48302-9669 | |
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| meginatoriii Corp | | Maxwail | 6224 Konson Kd | | San Diego | 5 | 92111 | |
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| Magnesium Aluminum Corp | Attn Bob OMalley | 3425 Service Rd | | | Cleveland | 동 | 4411 | |
| Magnesum Aluminum Corp | | 42717 Woodward Ave | | | Bloomfield Hills | Z | 48304 | |
| Magnesium Auminum Corp | | 3425 Service Rd | | | Cleveland | 동 | 44111 | |
| Magnesium Elektron Inc | | PO Box 8500 2490 | - | | Philadelphia | ď. | 19178-2480 | |
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| Magnet Marell North America Inc | | 10388 Airpart Pky | | | Kingsport | Z. | 37663 | |
| Magneti Marelli Powertrain Usa | | 2101 Nash St | | | Sanford | NC | 27330-9760 | |
| Magnetic Analysis Corp | | 535 S 4th Ave | | | Mt Vernon | ¥ | 10550 | |
| Magnetic Instrumentation Inc | | 8431 Castlewood Dr | | | Indianapolis | Z | 46250 | |
| Magnetic Springs Water Co | | 1917 Joyce Ave | | | Columbus | 픙 | 43219 | |
| Magnetika | Thomas Chaw | 300 Red School n | | Westpart Bressparin, Inc. | Phillinshyra | 12 | CARRE | |
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| Momie Models | | 3942 Mones Rd | | | Cottondate | 귤 | 35453 | |
| Man Zatindustrial Co Ltd | Chaol Seuno Pk | No 296 Churo San Rd | | | Kuan Miao Tainan | | | China |
| Managad Case Mahuork Inc. | | E31 Ruffalo Ave | | | Nagara Falls | Ā | 14303 | |
| Manbeck W | | 14136 Dice Rd | | | Hemiock | Ξ | 48626-9454 | |
| Mancelona Grada Inc The | | 24400 Northwestern Hwy Ste 204 | | | Southfield | MI | 48075 | |
| Mancelona Manufacturing Inc | | Mancelona Group Inc The | 9855 S Front St | | Mancelona | M | 49859 | |
| Manchester Stamping Corp | | Aec Marchester | 1300 Falahee Rd Dock 21 & 22 | | Jackson | M | 49203 | |
| Manchester Tool & Die Co Inc | | 601 S Wabash Rd | | | North Manchester | 2 | 46962-1423 | |
| Mancook Inc | Oanh Nauven | 11011 Brooklet Dr Ste 120 | | | Houston | ¥ | 77099 | |
| | | | | | | | | |
| | | (45901 5 Mile Kd | | _ | Plymouth Township | Ξ | 48170 | |

| Michael Plating Co Inc | dichaer Plating Color | SZO M Machaela St | ADDRESS2 | ADDRESS3 | CITY | TATE | COUNTRY |
|--|-----------------------------|------------------------------------|--|---|---------------------------|------------------|---|
| Mico Industries Inc | | 1426 Bufingme Ave Sw | | | Grand Rankle | MI 49509-1009 | |
| Mico Manufacturing Co Inc | | Industrial Way | | | Wilmington | MA 01887 | |
| Micralyne Inc | | 1811 84 St Sw | | | Formenten | | Canada |
| Micrel Inc | Terry Andel Ext3469 | 2180 Fortune Dr | The state of the s | | San Jose | CA 95134 | |
| Micro Centric Corp | | 26 Terminal Dr | | | Plainview | | |
| | | | 2059 Woodard Rd | Addition of the second | San Jose | | |
| Mero Circuits inc | Mike Sanghani | | | | Addison | | |
| | | | | | Chatworth | CA 91311 | |
| Micro Commercial Components | | чp | 20736 Mantite St | Chg Add 06/05/03 Vc | Chatsworth | | |
| Micro Craft Inc | | 15656 Hwy 84 County Rd 242 | | | Qullman | | |
| Micro Industries Inc | | 200 W 2nd St | | | Rock Falls | | |
| | | 1189 Emerson St | | | Rochester | NY 14606-3038 | |
| Micro Lamps Inc | Attn Regina Keder | 1520 Hubbard Ave | | | Batavia | | |
| | | 1530 Hubbard Ave | | | Batavia | | |
| | | 8050 Ranchers Rd Ne | | | Minneapolis | | |
| | | 91 Howard St | | | Philipsburg | NJ 08865-3101 | |
| Micro Wolfon Inc | Customer Financial Services | 12001 Technology Dr AB03 | | | Eden Prairie | | |
| Micro Motion Inc | | | | | Chicago | | |
| Micro Probe Inc | | | 2281 Las Palmas Dr | | Carlsbad | CA (92008 | |
| Micro Products Co | | 1296 Mark St | | | Bensenville | | |
| Micro Stamping Corp | | 140 Belmont Dr | | | Somerset | NJ 08873 | |
| Micro Tel Center | Wa | 4700 Halcomb Bridge Rd | | | Norcross | | |
| Micro/sys inc | | 3730 PK PI | | | Montrose | | |
| Microchip Technology Inc | Kathy Crudela/Inda Mcdaniel | PO Box 100799 | | | Pasadena | CA 91189-0799 | |
| Microchip Technology Inc | | | Ste 180 | | Itasca | | |
| Microchip Technology Inc | | | | | Кокото | IN 46902 | ı |
| Microcomponents Ag | | Maienstrasse 11 | | | Grenchen | 02640 | ı |
| Microcomponents Ag | | | Malenstrasse 11 | | Grenchen | 02540 | 1 |
| Microconsult Gmbh | | | 81671 Munich | | | | Germany |
| Microfuldics Corporation | | | | | Lake Bluff | 11. 60044 | |
| Microlap Technologies Inc | | 213 1st St Nw | | | Rolla | | |
| Micromax inc | | 5840 Carrton Ctr Rd Ste 270 | | | Canton | | |
| Micrometals inc | | 5815 E Lapalma Ave | | | Anaheim | CA 92807-2109 | |
| Micron Industries/tec Plate | Darryl Cox | 3609 Marquis Dr | | | Garland | | |
| Micron Laser Technology Inc | | 22750 Nw Wagon Way Ste A | | | Hillsboro | 1 | |
| Micron Precision Maching | | | | | Saginaw | 1 | *************************************** |
| Micron Semiconductor Prod Inc | | | 8000 S Federal Way | PO Box 6 | Boss | 1 | |
| Micron Semiconductor Prod Inc | | | - | PO Box 6 | Bose | 10 83/0/ | |
| Micron Lechnology Inc | | BOUC & rederal way | | | Dose | l | |
| Micron U.S.A. Inc Eff | | | | | Grand Rapids | | |
| Listence Control | Control County County | Isheenes Compositional and an inch | Automotive regoquaners - the | 2700 Great Bluer Ste 215 | Farmington Hillie | 141 | |
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| Micronas Gmon | | 텖 | | | President of the state of | 00/07 | Т |
| Micropasacs Inc | | AUTO OUR ASSET A | | | Vencouner | TATA MORRE A DR | |
| Swedopump Inc | | I TO SUI YOU WAS | | | Vetromo | ١ | |
| Microsemi Corp | 1000 | 2029 COTHINETE LIT SIG E | | | Portugue Dada | IASA GOODES SOON | |
| MICIOSOR CIBOCOS | Letty Origin | I MICIOSOL WAY | | | Dallaran | l | |
| Microsoft Lebositoines IIIC | | 2740 Marking Delling 4 | | | Mississanda | l | Canada |
| Microseth Machine Coloc | | 222 Camp Medonald Rd | | | Wheeling | | |
| Microway Systems Inc. | | 7000 N. Lawndale Ave | | | Lincolnwood | 11. 60712 | |
| Mid America Diagol Sandra for | | 5645 Carev Ave | | | Davenbort | | |
| Mid America Plastics | | 4221 James P Cole Blvd | | | Fint | Mi 48505 | |
| Mid America Seet & Gasket Inc | | 4221 James P Cole Blvd | | | Fint | MI 48505 | |
| Mid America Taning & Reeling | | | 121 Exchange Blvd | | Glendale Heights | | |
| Mid American Products Inc | | | | | Jackson | MI 49202-4041 | |
| Mid City Automotive | | 3450 N Kostner Ave | | | Chicago | 11, 60641-3805 | |
| Mid Coast Electric Supply Snc | | | | | Victoria | | |
| Mid Coast Industries Inc | | | 2900 Whittington Ave | | Baltimore | | |
| Mid Continent Spring | | | | | Commerce | | |
| Mid Continent Spring Co | | 1500 Industrial Dr | | | Hopkinsville | | |
| Mid Michigan Roofing Lic | | 3172 Enterprise Dr | | | Saginaw | | |
| Mid Ohlo Packaging | | | | | Marion | OH 43302 | |
| Mid South Diesel Service | Sam Lipe | | PO Box 16527 | | Memphis | - | |
| Mid South Electronics Inc | | | | | Gadsen | | |
| Mid South Metallurgical Inc | | Heat Treating | 742 Old Salem Rd | | Murraechoro | TN 37129 | |
| Mid South Tool Co Inc | | 2000 John D Long Or | | | Hensens | 1 | |

Delphi Corporation Executory Contracts and Unexpired Leases

| Panatek Inc | | | Hoffman Estates 60195 | 5000000 | Hoffmn Estates | 1 | 60195 | |
|--------------------------------|----------------------------|--------------------------------|-----------------------------|-----------------------|----------------------|---------|------------|----------------|
| Pankin International Ltd | Jayson D Pankin | 1033 Bedford Rd | | | Grosse Pointe Pk | | 48230 | |
| Pannam Inaging | | 18531 South Miles Raod | | | Cleveland | F | 44128 | |
| Panther II | Luke Robinson | PO Box 713 114 Nor | | | Medina | | 14256 | |
| Paprocki Jeffrey | | 4265 Emu Dr | | | Pinckney | İ | 18169 | |
| ar Foam Products | | C/o Automotive Sales Group Inc | 550 Stephenson Hwy Ste 401 | | Trov | | 18083 | |
| Par Foam Products Inc | | 239 Van Rensselaer St | | | Buffalo | | 14210 | |
| ar Industries Inc | | Awaiting Bank Verification | 305 Lake Rd Hld Per Legal | PO Box 403 9/01/04 Am | Medina | | 14256 | |
| Par Industries Lic | | 5638 Old Saunders Settlement R | | | Lockport | | 14094 | |
| Par Industries Lic | | 500 Commerce Dr | | | Amherst | | 14228 | |
| Par Tech Inc | | Fmly Par Tech Global Services | 794 Industrial Ct Ste B | | Bloomfield Hills | | 18302-9853 | |
| Parachute Packaging Company | Ralph Redd | 26533 Danti Court | | | Hayward | 5 | 94545 | |
| Paradigm Sintered Products Eft | | lnc | 201 Fritz Keiper Blvd | | Battle Creek | | 49015 | |
| Paradign Inc | | 53 Hopkinton Rd | | | Westborough | | 01581 | |
| aragon Atlantic | | 2129 Ctr Pk Dr | | | Charlotte | | 28217 | |
| Paragon Group Uk Ltd | | Paragon Gpn | Park Rd | | Castleford West York | Г | OWF10- 4RR | United Kingdom |
| | | | | | Castleford West | | |) |
| Paragon Group Uk Ltd | | Park Rd | | | Yorkshire | _ | 0WF10-4RR | United Kingdom |
| sragon Identification | | Les Aubepins | | | Argent Sur Sauldre | | 18410 | France |
| Paragon Industries Inc | | 1234 Albert St | | | Youngstown | HO | 44505-2978 | |
| iragon Laboratories Inc | | 12649 Richfield Ct | | | Livonia | | 48150 | |
| Parametric Technology Corp | | 140 Kendrick St | | | Needham | | 02494-2714 | |
| ramount Health Care | Holly Verhoff | 1901 Indian Wood Circle | | | Maumee | , | 43537-4068 | |
| Paramount Heatin Care | | PO Box 76670 | PO Box 9566 | | Cleveland | | 44101-6500 | |
| Park Beom | | 3 Raintree Island | Apt 3 | | Tonawanda | | 14150 | |
| irk Enterprises | | 226 Jay St | | | Rochester | | 14608 | |
| Park Enterprises Inc | | 226 Jay St | | | Rochester | | 14608 | |
| irk Nameplate Co Inc | | 27 Production Dr | | | Dover | Ĭ. | 03820-5917 | |
| Park Ohio Products Inc | | 7000 Denison Ave | | | Cleveland | | 44102 | |
| rk Youngjo | | 3096 Shenk Rd | Apt C | | Sanborn | | 14132 | |
| Parker & Associates Inc | | 14661 S Harrells Ferry Rd | | | Baton Rouge | <u></u> | 70816 | |
| Parker Automotive De Mexico | | Calle Segunda Oriente 101 | Parque Industrial Monterrey | Apodaca Nuevo Leon | | | | Mexico |
| Parkei Day Engineering | | 4050 Kidge Lea Kd | | | Amherst | | 14228 | |
| Parker Engineered Seals | | rimly Pker Hannin Corp | 3025 West Croft Circle | | Spartanburg | 1 | 29302 | |
| Parker Hannitin Canada | | 255 Hughes Rd | | | Orillia | NO
O | L3V 2M2 | Canada |
| Ker nanniin Canada inc | | 11/ Corstate Ave Z | | | Concord | | 4K 4Y2 | Canada |
| Рагкег наппіліп Согр | | 301 Pker Industrial Dr | | | Trumann | AR : | 72472 | |
| Parker Hannitin Corp | | Parker Seal/o Seal Div | 7664 Panasonic Way | | San Diego | İ | 92154-8206 | |
| Parker Hannitin Corp | | 7845 Collection Ctr Dr | | | Chicago | IL (| 50693 | |
| rker Hannifin Corp | | 7928 Collection Critr Dr | | | Chicago | _ | 30693 | |
| rker Hannifin Corp | | Engineered Polymer Systems Div | 2565 Nw Pkwy | | Elgin | 11 | 50123-7870 | |
| Parker Hannifin Corp | | Parker Powertrain Div | 703 E Kercher Rd | | Goshen | 2 | 46526 | |
| rker Hannifin Corp | | Parker Engineered Seals Div | 501 S Sycamore St | | Syracuse | | 46567-1529 | |
| rker Hannifin Corp | | 103 Lewis St | | | Berea | Ĺ | 10403 | |
| Parker Hannifin Corp | | Parker Seal Co | 2360 Palumbo Dr | | Lexinaton | l | 40509-1048 | |
| Parker Hannifin Corp | | Parker Chomerics Div | 77 Dragon Court | | Wohim | | 11888 | |
| rker Hannifin Corp | | Nichols Portland | 2400 Congress St | | Portland | l | 14102-0603 | |
| Parker Hannifin Corp | | 651 Robbins | | | Trov | Į. | 18083 | |
| rker Hannifin Coro | | Automotive Connectors Div | PO Box 1800 | | Troy | | 48000-1800 | |
| Parker Hannifin Corp | | 2101 N Broadway St | | | New I ilm | | 56073 | |
| rker Hannifin Corp | | 310 Kingold Blvd | | | Spoot Hill | | 28580 | |
| Parker Hannifin Corp | | 1000 12th St | | | Gothenhiro | | 30138 | |
| Parker Hannifin Corp | | Tube Fitting Div | 3885 Gateway Blyd | | Colimbia | İ | 03130 | |
| Parker Hannifin Com | | Sinclair Collins | 454 Morney Ave | | Akron | | 17244 | |
| rker Hannifin Com | | Darker Thermo Bleetice Div | OSE Falls Creek Dr | | Vandalia | | 15077 | |
| Parker Hannifin Corp | | Parker Thermonlastics Div | 985 Falls Creek Dr | | Varidalia | 5 6 | 45377 | |
| Parker Hanniffn Coro | | Parker Seal | 3949 Dayton Pk Dr Ste F | | Dayton | | 15011 | |
| Parker Hannifin Com | | Tech Seal Div | 3025 W Croft Cir | | Spertanbility | | 29302 | |
| Parker Hannifin Corp | | Parker Seals Div | · 104 Hartman Dr | | Lebanon | | 17087 | |
| Parker Hannifin Corp | | Brownsville Rubber Div | 1350 Cheers Blvd | | Brownsville | l | 78523 | |
| Parker Hannifin Corp | | Parker Seals Powertrain Div | 3700 Mayflower Dr | | Lynchbura | * | 24501-5023 | |
| | Divisions Engineered Seals | | | | n n | | | |
| Parker Hannifin Corporation | Automotive Connectors | 6035 Parkland Blvd | | | Cleveland | | 44124 | |
| arker Hannifin Corporation | | 19 Gloria Ln | | | Fairtield | CN. | 07004 | |
| arker Industries Inc | | 1650 Sycamore Ave | | | Bohemia | | 11716-1731 | |
| arker R | | 7226 Hillmont Dr | | | New Albany | НО | 43054 | |
| Parker Rust Proof Of Cleveland | | 1688 Arabella Rd | | | Cleveland | | | |
| arker Seal De Mexico Sa | | Rio Lerma 221 Tialnepantla | Cp 54030 Estado De Mexico | | | l | | Mexico |
| | | | | | | | | |

| CREDITORNAME | CREDITORNOTICENAME | ADDRESS1 | ADDRESS2 | ADDRESS3 | CITY | STATE | SIP | COUNTRY |
|-----------------------------------|--|--------------------------------|--|--------------------------|------------------|---------------|------------|--|
| estractouder Valley Pest C | Sweeney Teresa | 621 Innovation Circle A | | | Windsor | 00 | 0550 | |
| Ster H. Janak | | 5935 Rather | | | | | 48455-9218 | |
| eler Hannan | | 24b Morland Trad Est | 200000000000000000000000000000000000000 | | | | Π | United Kingdom |
| eler Van Wordragen | | PO Box 8024 Mc481chn077 | | | | | 8 | |
| elers Dry Cleaning | | 316 Willow St | | | | | 4084 | |
| elers Dry Cleaning | | e o PO Box 450 | 76 West Ave | | | | 4094 | |
| eters Heat Treating Inc | | 216 Race St | | | Meadville | A 17 | 16336 | |
| Markon American Com | | Pelecton Spring Georgia Plant | 600 Old Hai Rd | | | L | 0813 | |
| eterson American Corp | | 21200 Teleoraph Rd | | | Southfield | | 8034 | |
| eterson American Corp | | Peterson Spring Div | 32601 Industrial Dr | | eights | | 8071 | |
| eterson American Corp | | Peterson Spring Cima | 16805 Heimbach Rd | | e Rivers | | 49093-9622 | |
| eterson Jeffery M | W039V45V1 VV 17 | 41487 Thorsau Ridge | | | | 2 6 | 48377 | |
| eterson Mig Co Eff | | 155 Cattlemen Rd | | | Sarasota | | 34232 | |
| eira industrias inc | | 2101 S Kelly Ave | | | | Š, | 3013-3665 | |
| atroferm UK Ltd | | Heron Chemical Works Moor Ln | | | | | П | United Kingdom |
| ettey Machine Works | | Remit Chg 11 18 99 Kw | 16 N Seneca Dr | | | AL 3 | 35673 | |
| rettey Machine Works Inc | | 16 N Seneca Dr | and the second second | | | | 35673 | The state of the s |
| vettus O | | PO Box 248 | | | | | | |
| reugeot Japy Industries Sa | | Les Usines Sous Roches | | | Valentigney | 2 2 | 25/00 | rrance |
| ex N A Lid | | Nonette 43 | | | Moretheim | 1 | Т | Germany |
| Valider Vacuum Inc | | 24 Trafskar Sauare | | | Nashua | F | Г | |
| Veilfer Vacuum Technologying | | 24 Trafalgar Square | | | Nashua | E E | Г | |
| 7g De Mexico Sa De Cv | | Juan Ruiz De Alarcon 317 | Complejo Industrial | | Chihuahua | | 31109 N | Mexico |
| gs incorporated | | PO Box 471465 | | | | | 4147-1485 | |
| 19t Trucking | | Dept5060pbx 30000 | | | | | 6150 | |
| th Box Co Ltd | | Commercial Battery Co | 2739 Union Rd | | Cheektowage | | 1422/ | |
| h Precision Products Corp | | 340 Commerce Way | | | | <u> </u> | 1779 | - |
| Hase I teamongy corp | | DO Box 8024 Mid81bo010 | | | | | 48170 | |
| Thelps Dodge Caro | | Phelos Dodge Magnet Wire Co | 4300 New Haven St | | Fort Wayne | Z | | |
| theips Dodge Wire & Cable Trad | ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ | Ave Mexico 101 Esq Autopiste | Monterrey Nuevo Laredo Km 25 | | Flores | | | Mexico |
| henix Controls | | PO Box 11390 | 635 Jay St | | | ¥. | 14611 | |
| Wier International Corp | Kathy Fields | 1640 Northwind Blvd | 1 | | Libertywille | | 440048 | |
| and Mer Equipment Inc | | Water & Waste Water Equipment | 1456 E 357 St | | | 5 8 | 19178-2180 | |
| hillory inc | | Ochilom | 1600 Executive Dr | | Jackson | | 9203 | |
| hiip Boling | | 4604 N Hereford Dr | | | Muncie | 7 | 7304 | |
| hilip Helman | | 300 Walnut St | | | Lockpart | Ž. | 4094 | |
| ahilip Hopf | | 3807 Femwood Court | | | | | 92440 | |
| hills Langberry | | 1600 Greenwood Ave | | | Xania | 2 4 | 5385 | |
| The Press | | Chemical Recalmation Service | 405 Powell St | | | | 76623 | |
| this Services Coro | | PO Box 3069 Dept 4 | | | | | 7253-3069 | |
| hājp Wooleyhan | | 6097 Reger Dr | | | Lackport | <u>-</u> : | 4094 | |
| willps Electronics North Amer | | | 2 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P | | Hoffman Estates | 2 2 | 2800 | |
| Maips Electronics North Amer | | | 34119 W 12 Mile Rd Sie 104 | | Farmington Hills | × × | 8331 | |
| Wiles Electronics North Amer | | Philips Mobile Display Systems | 34119 W 12 Mile Rd Ste 104 | | Farmington Hills | MI
4 | 48331 | |
| hilips Electronics North Amer | | | 34119 W 12 Mile Rd Ste 103 | | Farmington Hills | M. | 8331 | |
| Philips Electronics North America | | 5550 Prairie Stone Pky Ste 160 | | | Hoffman Estates | 12 | 8009 | |
| hilps Electronics North America | | 1817 Dogwood Or
Dhiling Erg | Anton Philipswen 4 | | Lommei | Ī | 03920 | Belgium |
| nings madeing recentlings | Tinah Walton | PO Box 198056 | - Control of the cont | | | | П | |
| Philips Semiconductors | | 811 E Arques Ave | Rmt Chg 10 00 Tbk Ltr | | 310 | <u>ء</u>
ک | 4088-3409 | |
| Philips Semiconductors | | C/o Motvrield Marketing | 4173 Migersville Rd | | | ı | Т | Maylon |
| Philips Semiconductors Inc | Monica Aguiler | Av Chimalhuadan 3669 1 A | | | Tiffon | | Т | - Inward |
| State Herbertan | | 40 Enwood Pl | | l | | | | |
| Philips & Temo | | Industries Ltd | 100 Paquin Rd | Add Chng 03/15/04 Qz858y | Winnipeg | 1 | Н | Cenada |
| Philips C | | 7672 GIII Rd | | | | 1 | 4087 | |
| Philips Don & Associates Inc | | 3101 W Tech Rd | | | | l | 4138 | |
| Philips Carles Coro | Chery Walker | 1233 International Dr | | | Eau Claire | W. | 54701 | |
| Philips Plastics Corp | Cheryl Walker | Decorative Insert Molding | 2930 Mondovi Rd | | | | 4701 | |
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Delphi Corporation Executory Contracts and Unexpired L

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| Keynolds Jamey 1 | | 1565 Union Rd | | Xente | OH 45385-7644 | |
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| Reynolds M | | 2667 W Narth Union Rd | | Midland | Mi 48642 | |
| Reynolds Metals Co | | 4301 Produce Rd | | ٥ | | |
| 'f Micro Davines Inc | | 7898 Thomally DA | | | NIC 22400 | |
| & Renotithing Inc. | Gallon Descious | And The State Co. | | | | |
| f Managhine Inc | Append Preside | 27.4 Of and a 27.4 | | | 75044 | |
| MOUNTAINS III. | | ATT OFFICE NO | | | ١ | |
| gi enlarprises | | ZZO Chatton Circle | | Corona | CA 92880-2522 | |
| TO COLUMN CONTRACT | | 684U Commerce Ko | | уу аюсилена | 1 | |
| ne i ech inc | | 1500 E North Territorial Rd | | Whitmore Lake | 1 | |
| tein Chamia Corp | | 1014 Whitehead Rd Ext | Rmt Ad Chg 04/15/05 G | Trenton | | |
| neodyne Lic | Marci Walters | 800 Pk Court | | Rohnert Pk | | |
| inehart WH Inc | | 18 Orchard St | | Middleport | NY 14105 | |
| odia Terres Rares Sa | | 2i 26 Rue Chef De Baie | | | | France |
| konda Heviens | | 1525 Bramoor Dr | | Какото | IN 48802 | |
| And Designer Inc. | | Ohene Dadene Desie Chemicale | 2012 Liny 220 E | Creenan | TY 27544 | |
| There is a factor of the state | 200000000000000000000000000000000000000 | Carolic Description Commens | 200 000 | Marie Control | Ţ | |
| White represent Process | Waugie enackeuen | CARACIEITA OL | PO Box 107 | OKUKA | | |
| Ricardo inc | | 40000 Reardo Dr | Detroit Technical Cir | Belleville | MI 48111 | |
| Ricardo Pastor | | PO Box 8024 Mc481fra025 | | Plymouth | | |
| 200 | | 3801 South Arclic Ave | | St Francis | W 53235 | |
| e Lake Diesel Inc | | 1704 Macauley Ave | | Rice Lake | | |
| Rice Lake Weighing Systems | | Div Of Rice Lake Bearing Inc | 230 W Coleman St | Rice Lake | WI 64888 | |
| | | | | | | |
| Richard A Franzi | Richard A Franzi | 3 Sieda | | Rencho Santa Margarite | CA 92688 | |
| Richard Raldwin | | 207 Christopher St | Ant 24 | Rainbow City | | |
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| Nichard Bandw | | 4823 B F1 | | Menulan | COCOC CIN | |
| nard Betz | | 1305 N HICKOY LA | | KOKOMO | T | |
| Richard Biby Inc | | 5869 South Garnett | | Tulsa | OK 74148 | |
| hard Birch | | 6468 Woodfield Pkwy | | Grand Blanc | MI 48439 | |
| hard Brown | | PO Box 8024 Mc481fra025 | | Plymouth | Mi 48170 | |
| Richard Bryant | | DO Box 8024 Mc481den017 | | Phymouth | MI 48170 | |
| book Cornell b | | SANO G Lennings | | Swarty Creak | Mi 48473 | |
| had Oliver | | \$4004 Court \$400 DA | | Coker | Ī | |
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| rara Equipment Co | | Keco | IOUG SERRICOR TERY | Description | 700000 | |
| Richard Erwin | | TRUCK Paim Bivd | | DIOWIISVIILE | | |
| hard Foster | | 2790 Nantucket Rd | | Degverdesk | 40454 | |
| Richard Gonzalez | | 5088 Cedardale Ln | | FRISHING | Mi 48433 | |
| Richard J Jok | Co Gary H Cunningham Esq | 101 W Big Beaver 10th Fi | | Troy | MI 48084 | - |
| Richard Jok | | 47225 North Umberland St | | Novi | MI 48374 | |
| hard Jones | | 5189 Townline Rd | | Sanborn | NY 14132 | |
| hard I aldylan | | PO Roy 8024 Med81chn009 | | Phmouth | MI 48170 | |
| House I had | | 1406 Harboar Trace In | | Noblecylle | | |
| Michella Late | | 190 I Military I I I I I I I I I I I I I I I I I I I | | 1 ostand | NV 14095 | |
| nard Maries | | 1/4 E KBINKA PKWY Apt U | | Therman | ľ | |
| Richard Nash | | 661 Country Ln | | CTEANCHIMIN | Ì, | |
| Richard Northam | | 1210 17th Ave | | Mendian | MS 38301 | |
| Richard P Nash | | 661 Country Ln | | Frankenmuth . | MI 48734 | |
| hard Radecki | | 170 Castlebrook | | Willemsville | NY 14221 | |
| hard Rause | | 4800 Pavalion Dr | | Kokomo | IN 46901 | |
| hard Wantes | Individual | 3945 May Cir Rd | | Lake Orion | MI 48360 | |
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| Richardson Bros Sheet Metal | | 201 | THURST CIT | BIRODIEA
THE TOTAL PROPERTY OF THE PROPERTY OF | 2000 | |
| hardson Electronics Ltd | Dawn Ferguson | 40w267 Keslinger Rd | PO BOX 393 | Lalox | 74100 | |
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| Michael Hammes | Ave | | | Fresno | | 93727 | |
| | 2382 Faraday Ave Ste 200 | | | Carisbad | | 92008 | |
| | 24110 Meadowbrook Rd Ste 102c | | | Novi | | 48375 | |
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| | 6227 Rinke St | | | Warren | , IM | 48091-5355 | |
| | 14214 Edgerton Rd | | | New Haven | | 46774 | |
| upenor Automotive Training | 5400 Nw 79th Ave | | | Grand Rapids | | 49503 | |
| | | | | Dachtino | | 33765 | |
| Superior Concepts Inc | PO Box 166 | | | Grand Haven | | 49417 | |
| 01 | 1 | | | Grand Haven | | 49417-1165 | |
| | d Ste 101 | | | Amherst | | 14226 | |
| | | 23730 Research Dr | | Farmington Hills | | 48335 | |
| | 3881 Buildog Dr | | | North Charleston | | 29406 | |
| 7-1-7 | 9 | | | Richmond | | | |
| | - | 7800 Moodley Ave | | Markham | | T | Canada |
| | | 24800 Denso Dr No 225 | | Southfield | | 81406-4973 | |
| Clifford Smith | 730 Oconto Ave | | | Peshting | - A | 54157 | |
| | 417 E 2nd St | | | Rochester | | 48307-2007 | |
| | 303 American Blvd | | | Saint Joseph | | 38481 | |
| is Services Inc | PO Box 470466 | | | Tulsa | ok
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| ameran Inc | | 30340 Solon Industrial Pkv | | Claveland | ₹2 | 44130 | |
| IV Griffiev | *************************************** | 12594 Wolford Pl | | Cichara | 5 2 | 44138 | |
| ampotech Coating Technologies | | 1107 W Lunt Ave Unit 7 | Rm Cha 12/02/04 Am | Scholimbirm | = | (A0000 | |
| and a | | 2943 Sales Ave | | STATE OF THE PARTY | 2 2 | 43649 | |
| Tank & Piping Contractors Inc | | 350 Gradel Dr | | Johnson | 5 2 | 71000 | |
| 8 | | 5740 Hall of Sa | | Series Company | | 40032 | |
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| ompany | | Date Teck Int Com | 2250 M obe St | Clarking | 5 = | 20420 4520 | |
| faster Tool Company | | 800 Rochester Rd | | Turk | 2 2 | 48082-6009 | |
| Tape Products Co | | 11630 Dearfield Rd | | Cincinneli | HO | (45242-1422 | |
| an Inc | | 701 Seneca St | | Buffalo | ž | 14210 | |
| For Industry Ltd | | Kenneth Ho | | [Iversool | _ | 1 33 7BB | Inited Kingdom |
| Tapia Flores Gioria M | | Gustavo Lamaga | San Pablo 1138 Reynosa Tamps 88730 | | | | Mexico |
| Taproot Ventures | | 400 S El Camino Real | Т | San Mateo | | 94402 | |
| inclair | | 12 Village Circle Dr | 188 | Rochester Hills | W | 48307 | |
| Tarapczynski J | | 3509 1/2 Human Rd | | Sanborn | Α | 14132 | |
| on Embedded Technology L | | The Westbrook Centre Millon Rd | | Cambridge | | CB4 1YG | United Kingdom |
| Tool Co | Ben Jaager | 368 PK | | Troy | Mi | 48083 | |
| merica international Cor | | Tcs America | 101 Pk Ave 26th Fl | New York | ž | 10178 | |
| Tatum Clo Partners Llp | | 4501 Circle 75 Pky Se | Ste A 1164 | Atlanta | 8 | 30339 | |
| I- 1 | | 200 Lakeland Dr Apf A3 | | Hot Springs | AR | 71813-7665 | |
| Fatura T | | 5851 Wynbrook Court | | Racine | ₹ | 53406 | |
| Fatung Inc | | 2850 El Presidio St | | Longbeach | Ą | 90810 | |
| International | | Corp | 275 N Frankin Tumpike | Ramsey | 2 | 07448 | |
| aunis international inc | | Taurus International Corp | 275 N Franklin Toke Ste 3 | Ramsey | 2 | 07446 | |
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| CONS | | 15308 Stoney Creek way | | | 2 | 46060 | |
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| Indiciplies Companies | | | 13 rates 0 300 | Terror Office | | 40709 | |
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| Industries Components Inc | Owen Mooney | EROO DAIDE DE | | Thus | T T | 48088 | |
| Industries Components Inc | | 905 Ceder St | | Tewas | 2 | 48763 | |
| Tawas industries Components Management | | | | | | | |
| Services | | 905 Cedar St | | Tawas City | ₹ | 48763 | |
| Tawas Industries Inc | | 905 Cedar St | Chg Rmt 10/20/03 Ah | Tawas City | W | 48763 | |
| Industries inc | | 905 Ceder St | | Tawas City | 2 | 48783 | |
| Plating Co | | 510 Industrial Ave | | Tawas City | 2 | 48763 | |
| Tawas Powder Coating Inc | | 510 Industrial Ave | | Tawas City | M | 48764 | |
| Tax Compliance inc | | 10200 Willow Crack Rd | | San Diego | CA | 92131 | |
| ayloe Paper Company | | Dept 146 | PO Box 21228 | Tulsa | ğ | 74121-1228 | |
| aylorB | | PO Box 33 | | Ardmore | Z | 36449-0033 | |
| fayfor Cable Products inc | | 301 High Grove Rd | | Grandview | OW | 64030 | |
| aylor Diesel | | 1075 S 3rd St | PO Box 769 | Memphis | E | 38106 | |
| Faylor Diesel Of Nashville Inc | | 1120 Elm Hill Pike Ste 180 | | Nashvile | Z | 37210 | |
| Taylor Diasel Of St Peters Inc | Becky Taylor | 16 Cherokee Dr | PO Box 625 | SI Peters | OM: | 63378 | |
| Diesel Serv Of Ar | The state of the s | 2120 E Broadway | PO 80X 5881 | N LINE ROCK | ¥. | 72118-5667 | |
| Diesel Service Inc | Ed Taylor Jr | 228 N Myrie Ave | | Jacksonville | 2 1 | 32204 | , |
| Taylor Diesel Services Lid | | 332 Laxe Ave North | 470E (6(astam Dr | Hamilton Michael | 2 - | L&E 3A2 | Canada |
| Taylor J. F. H. | | 1973 Janes Ave | 1010000 | Saginar | 2 2 | 48607-1646 | |
| Machine Develope Inc. | Kathy Ganich | 21300 Finaka Rd | | Tavior | 3 | 48180 | |
| Taulor Rachine Draducta Ion | | 24300 Euroka Rd | | Taylor | M | 48189-5271 | |
| Majorial Hending inc | | 4756 Angola Rd | | Toledo | F | 43615 | |
| Vistal Products Co | | 700 Sarinamil St | | Mansfield | 공 | 44903-1189 | |
| al Com | Janks Meshella | PO Box 478 | | Dakwood | Æ | 30566 | |
| Industrial Services L. | | Hom Day | 820 Marion Rd | Mount Glead | 동 | 43338-1087 | |
| Todn Tennessee Co | | 1410 Hwy 70 By Pass | | Jackson | Y. | 38301 | |
| erica Division Of Tata | Sreent Venugopal | 755 W Blg Beaver | Ste 1210 | Troy | | 148084 | |
| niess Sleel inc | | 6300 18 Mile Rd | | Sterling Heights | <u>z</u> | 48314 | |
| p Of America | | 1221 Business Ctr Dr | | Mount Prospect | _ | 80056 | |
| rporation Of America | Accounts Payable | 11600 Feehanville Dr | | Mount Prospect | 4 | 80056 | |
| rporation Of America | Chris Cameron 972409 4418 | PO Box 88689 | | Chicago | _ | 60693-8689 | |
| Tdk Corporation Of America | Lestle Ralyniak | 1221 Business Ctr Dr | | Mount Prospect | <u>.</u> | 60056 | |
| poration Of America | | PO Box 98689 | | Chicago | | 60633-8683 | |
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| | | 14015 W VINCENINGS KG | | Indianapolis | <u>z</u> | 46268 | |

| TIMEST COLD | | 6920 Commerce | | | El Dasa | 4 | T004E 4405 | |
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| Jniform Color Company Corp | Erika Lara | 942 Brooks Ave | | | Holland | · × | 49423 | |
| Unifrax Corp | | Fiberfrax Mfg | 360 Firetower Rd | | Tonawanda | ₹ | 14150 | |
| nifrax Corp | | 2351 Whirlpool St | | | Niagara Falls | ≥ | 14305 | |
| Unigraphics Solutions Inc | Mary Ellen Chamley | 5400 Legacy Rd | | | Piano | × | 75024-3105 | |
| Unimax Corp | | Lee Spring Co | 1334 Charlestown Industrial Dr | | Saint Charles | 2 | 63303 | |
| himeasure Inc | | 4175 Sw Research Way | | | Corvallis | g | 97333 | |
| nimotor | | Div Of Smp Motor Products Ltd | 33 Gavlord Rd | Cha Rmt Add 07/09/03 Vc | St Thomas | ć | NISD 3D0 | chengo |
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| Union Pacific Railro | Chris Chorba | 12567 Collections Ce | | | Chicago | - | 60602 | morfilla pomio |
| Union Technology Corp | | 718 Monterey Pass Rd | | | Montered | 2 0 | 04754 | |
| Union Tool Corp | | State Rd 15 N | | | Moresin | 5 = | 40704 | |
| ilgue Fabricating Inc | Nadine Demott | 300 West Mocarter Rd | | | Worldwar | 2 6 | 40000 | |
| inge Fahricating Inc | | 4604 M Usmilia | | | Lalayelle | 5 | 30/20 | |
| Unique Fabrication Inc. | | 1601 M Lowin Dd | | | Cochesier Tills | Σ. | 48309 | |
| Uniseal Inc | | 1800 W Bendand St | | | Kocnester Hills | Σ | 48309 | |
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| and used Colporation | Mil Jurisuke Auloki | 15/U Onna | Atsugi Sni | | Kanagawa Ken | | 243 | Japan |
| Onisource wondwide inc | Attn Larry Durrant | 850 N Arlington Heights Rd | | | Itasca | | 60143 | |
| Isource wondwide inc | | Crescent Paper Co | 2900 N Shadeland Ave Ste B1 | | Indianapolis | Z | 46219 | |
| Isource Worldwide Inc | | Midwest Market Area | 2737 S Adams Rd | | Rochester Hills | Σ | 48309 | |
| isource Worldwide Inc | | 5786 Collett Rd | | | Farmington | ž | 14425 | |
| source Worldwide Inc | | 555 Officenter PI | | | Gahanna | 5 | 43230 | |
| Unisource Worldwide Inc | | Midwest Region | 525 N Nelson Rd | | Columbus | 5 | 44240.2040 | |
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| Injet Inc | | 4494 2041 Ct C- | oooo o seconinge oi | | Idew Desilin | À | 10150 | |
| Company of the Compan | | *104 00111 01 00 | | | Grand Rapids | Σ | 49512 | |
| Office and Collinging | | 4000 SE Dath St | | | Oklahoma City | ŏ | 73126 | |
| ted Automobile Aerospace And Agricultural | : : | ; | | | | | | |
| inplement workers | Kon Gettellinger | 8000 E Jefferson | | | Detroit | Ξ | 48214 | |
| United Automobile Aerospace And Agricultural | | | | | | | | |
| Workers Of America | Ron Gettelfinger | 8000 E Jefferson | | | Detroit | Σ | 48214 | |
| United Automotive Supply Co | | 2637 E 10 Mile Rd | | | Warren | N | 48094 | |
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| | | o 14 E Popiar of | | | Kokomo | Z | 46902 | |
| United Chemi Con Inc | | C/o Ms Technology Lic | 614 E Poplar St | | Kokomo | <u>z</u> | 46902 | |
| ed Concordia | Brian Troshynski | 3250 W Big Beaver Rd | Ste 327 | | Troy | M | 48084 | |
| ed Crane Rentals Inc | | 111 N Michigan Ave | | | Kenilworth | 3 | 07033 | |
| United Diesel | | 5700 General Washington Dr | | | Alexandria | × | 22312-2406 | |
| ed Diesel Injection Ltd | | 6210 75th St | | | Edmonton | a d | TAC 21AR | Canada |
| ed Diesel Service Inc | | 1003 Dann Mar Ave | | | Editionion | 2 2 | 100 240 | Callada |
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| tod Electronics Com | | COST IN FERIL OL | | | Kosemont | 2 | 60018 | |
| Office of the supplemental | 2 | 5321 North Fearl St | | | Rosemont | 4 | 60018 | |
| ed nealth care | Jim Kaprai | 450 Columbus Ave | | | Hartford | <u>ს</u> | 06103 | |
| United Healthcare | Reed Bjergo | 450 Columbus Blvd | | | Hartford | CT | 06115 | |
| United Industries Inc | | Remit Chng Ltr Mw 4/12/02 | 1546 Henry Ave | | Beloit | 3 | 53511 | |
| United Machining Inc | I ou Sabel General Manager | 6300 18 1/2 Mile Rd | | | Ctoding Uninhts | | 1000 | |
| lad Machining Inc | | COUNTY OF THE CO | | | Signing Heights | M | 4004 | |
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| led metal Flod Colp | | 6101 Lyndon Ave | | | Detroit | Σ | 48238 | |
| United Metal Products Corp | | 8101 Lyndon St | | | Detroit | Ξ | 48238-2452 | |
| United Paint & Chemical Corp | | 24671 Telegraph Rd | | | Southfield | IW | 48034 | |
| United Parcel Svc | Tony Surace | 29855 Schoolcraft Rd | | | Livonia | Σ | 48150 | |
| led Plastics Group De Mexico Sa | | Blvd Tlc No 200 Parque | Industrial Stiva | | Apodaca | | 98800 | Mexico |
| ted Plastics Group Fremont | Kim Clarke | 38154 Eagle Way | | | Chicano | - | R0878-1381 | |
| United Plastics Group Inc | Irene | 529 Thomas | | | Rensenville | 2 = | 8010B | |
| | | | | | | - | | |
| United Plastics Group Inc | William Holbrook Director of Finance | United Plastics Group Inc | 1420 Kensington Rd Ste 209 | | Oak Brook | _ | 60523 | |
| ted Plastics Group Inc | | 3125 Coronado St | | | Anaheim | 3 | 92806 | |
| United Plastics Group Inc | | Industrial Div | 9300 52nd Ave N | | Minneanolis | S | 55428-4022 | |
| ted Plastics Group Inc H | . leff Roberts | 7131 Parimeter Dk Dr | | | Company | | 2204504055 | |
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| ted Plastics Group IIIC MIII | | 9300 52ng Ave North | | | Minneapolis | ¥. | 55428 | |
| ted Maing inc | | 3400 Stanwood Bivd Ne | | | Huntsville | ₹ | 35804 | |
| United States Crystal Corporat | Tammy Dickey Ext 13 | 3605 Mccart | | | Fort Worth | ¥ | 76110 | |
| ited States Filter Corp | | Us Filter | 40 004 Cook St | | Palm Desert | 5 | 92211-3299 | |
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| Unwired Technology Ltc | | 245 Newtown Bd Hrit 200 | | | Atlanta | GA 3038 | 30384-6990 |
| Uop Lic | UOP Us | 25 F Alconomin Rd | | | Plainview
Doc Diamon | | 11803 |
| Uop Llc | | Ste 265 | 2511 Country Club Blvd | | North Orimeted | OH 44070 | 2100- |
| Uop Lic | | 13105 Northwest Freeway | Ste 600 | | Houston | | 0.63 |
| Upchurch A | | 2705 E Cr 350 S | | | Muncie | | 47302 |
| Upchurch Scientific | Karla Sharkey | 619 Oak St | | | Oak Harbor | | |
| Upchurch Scientific | | 619 West Oak St | | | Oak Harbor | _ | |
| Ups Customhouse Brok | Tony Surace | PO Box 34486 | | | Louisville | ĺ | |
| Ups Of Canada Ltd | | 77 Foundry St | | | Moncton | NB E1C5H7 | 47 Canada |
| Ups Supply Chain Soin | | 21800 Haggerty Rd | | | Northville | | |
| Tran R R Equipment Rental | | 3/03 Enterprise Pkwy | | | | İ | 13057-2905 |
| Urs Core | | 77 Goodell St | | | Nagara Falls | | -1522 |
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| Us Aeroteam Inc | | 1 Edmind St | | | Dayton | OH 4540 | 45404 |
| Us Army Tacom | | 6501 E 11 Mile Rd | | | | | |
| Us Customs Service | | 6026 Lakeside Blvd | PO Box 68908 | | odie | ļ | |
| Us Department Of Energy | Lisa Kuzniar | National Energy Technology Lab | 3610 Collins Ferry Rd | PO Box 880 | | WV 2650 | 26507-0880 |
| Us Department Of Energy | | Office Of Freedom Car And | | 1000 Independence Ave Sw | | l | 20585-0121 |
| Us Equipment Co | | 20580 Hoover Rd | | | Detroit | | 48205-1064 |
| US Farathane Corp | | C/o C) Edwards Co Inc | 3905 Rochester Rd | | Royal Oak | | |
| Us rarathane Corp | | PO Box 641128 | | | Detroit | | |
| Us Farathere Corp | | 11650 PK Ct | | | Utica | | 48315 |
| Lis Falt Manufacturing Collec | | Section Module No. | | | Sterling Heights | | -3461 |
| Us Filter/continental Water | | DO Box 470722 | | | | ME 0407 | 24447 0700 |
| Us Filter/ionpure Inc | | 8211 Country Club PI | | | Indianandie | | -0/22 |
| Us Filter/ionpure Inc | | Us Filter/interlake | 1451 F 9 Mile Rd | | Hazal Dk | | 48030-1070 |
| Us Gauge & Fixture Inc | | 6094 Corporate Dr | | | ra Township | | 710 |
| Us Healthworks Medical Grp | Gayle Cannon | PO Box 79162 | | | City Of Industry | | 91716-9162 |
| Us Merchants Inc | | 8737 Wilshire Blvd | | | Beverly Hills | | |
| Us Resistor Inc | | 1016 De Laum | | | Saint Marys | PA 1585 | 15857-3360 |
| Us Mars Box Surah Inc | Kerri Cunningnam | 8 Forest PK Dr | | | Farmington | | |
| Us Wire Kope Supply Inc | | 6555 Sherwood St | | | | | 48211-2475 |
| Usa Technologies | | 2604 Blake St Ste 204 | | | | AL 36567 | |
| Usa Technologies | | 6810 Broadway Unit C | | | Danvar | 0020 | 80221-2840 |
| Usa Tolerance Rings Div | | General Sullivan Group | Sullivan Way | PO Box 7509 | lon | Τ | |
| Usaig | | One Seaport Plaza | 199 Water St | | | | |
| Usaig | Jeff Guttenberger | 3400 Executive Pkwy | | | | | |
| Usi Bestway Inc | | PO Box 31001 0925 | | | ъ | CA 91110 | |
| Usi Dugan Inc | | 4280 look 0.00 | | | | | |
| Usf Redstar | Jace Collins | PO Box 532979 | | | Pontiac | MI 48340 | |
| Uson Corp | | Uson Technical | 1171 Chicago Rd | | | | |
| Uson Lp | | 8640 N Eldridge Pky | | | fon | Ī | 77041-1233 |
| Usul International Corp | | 1045 Reed Rd | | | | OH 45050 | |
| Usw Local 87 | Gary Adams | 21 Abbey Ave | | | | | |
| Utas Tongda Electrical Systems Co Ltd | | 3743 Acom Ct | | | wp | MI 48363 | |
| Carp | | Utitec Div | 169 Callender Rd | | | | -1627 |
| Uva Machine Co Inc | | 45130 Polaris Ct | | | Plymouth | | 48170-1855 |
| V rouge Inc | | 5567 W 6th Ave | | | | | |
| V Tek Incomprehed | | DO Box 86 | | | vensey | | 0BN24- 5NH United Kingdom |
| V Tek Incomorated | | DO Box 86 | | | s | | 55486-1971 |
| V Tron Electronics Com | | 10 Venie Way | | | | | 1361- |
| Vac Magnetics Corp | | 2935 Dolohin Dr Ste 102 | | | Flizahathtown | | |
| Vacco Industries | | 10350 Vacco St | | | | | |
| Vacuum Instrument Corp | | 2099 9th Ave | | | | | .6254 |
| Vaisala Inc | | 100 Commerce Way | Remit Chng Ltr Mw 4/02 | | | l | 01801 |
| Val Tech Lic | | 1 West Ave | | | Manchester | l | |
| Val Tech Llc | | 85 Pixley Industrial Pky | | | | NY 14624 | |
| Val Tech Lic | | 3481 Buffalo Rd | | | | | 14624-1103 |
| Valdez Bechelle B | | FO Box 4/12 | Dept X | | | | 4712 |
| Vallet nacions n | | 52/5 Gienwood Creek Dr | | | ٤. | MI 48348 | |
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| 3 | CREDITORNOTICENAME | ADDRESS1 | ADDRESS2 | ADDRESS3 | CITY | STATE | COUNTRY |
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| Wayne State University Research & Technology | LON WOTSOWCZ | Sponsored Program Aorminsuadon | | | ראפונסונ | Mi 40202 | |
| Park | Howard Bell | 3087 Faculty | Administration Bido | | Defroit | | |
| Wayne Westendorf | | 3401 Christy Way N | | | Saginaw | M 48603 | |
| Wayne Wire Cloth Products Eft | | Inc | 221 Garfield St | | Zine. | MI 49746 | |
| Wayne Wire Cloth Products Inc | | 200 E Dresden St | | | Kalkaska | M1 49646 | |
| Wayne Wire Cloth Products Inc | | 200 E Dresden St | | | Kalkaska | | |
| Wayne Wire Cloth Products Inc | | 394 Us Hwy 221 A | | | Forest City | | |
| Wayt Tachnologies | | 6114 Lasalle Ave 202 | | | T | | |
| We Distributing | Joe Bartne) | N I M I M | | | T | 45154
104 | |
| Wearnes Precision Shenyang L | | No 46 Hushai Rd Yuhong Distric | | | Shenyang Laoning | 170141 | Culus |
| Waatherall Jeffrey | Jeffrey Meatharall | 5820 Delahi Dr | Mis. 480 405 250 | | Trav | | |
| Weatherdate Inc | | 245 N Weco St Ste 310 | 200 | | tta (ta | | |
| Weaver | | 6150 Stumph Rd Apt 207 | | | | OH 44130 | |
| WebbJ | | 10639 Indiana Ave | | | | | |
| Webb Mason Inc | | 10830 Gilroy Rd | | | | | |
| Webb Silles Co | | Rmt Chng 04/13/04 Oz859y | 675 Liverpool Dr | | | OH 44280 | |
| Webb W | | 1206 Hunter Crossing | | | Bossier City | LA 71111 | |
| Webco Industries Inc | | 9101 W 21st St | | | | | |
| Weber M | | 712 Antonio Trail | | | | Ī | |
| Weber Manuracuring Lid | | Weber (ool & Mold | 16566 HWY 12 | | | ON LAR ALI | SDRUKO |
| Weber marking bystems | San Date Orange Address | Macmeny Industrial Co. | | | Artinotas Maichle | III RADOR AA16 | CHICAGO MILIBORONI |
| Makey Specialise Co | 1 | 145330 South He 134 | | | Schooleraft | Mi 49087 | |
| Websier Plastics inc | | 83 Fetales Dr W | Rmt Add Cha 12/02/04 Am | | Fairbort | Ţ | |
| Weeks D | | 5448 Columbiaville Rd | | | Columbiaville | MI 48421 | |
| Weeks | | 1406 Alpine St Se | | | Decatur | AL 35603 | |
| Wegu Gummi Und Kunststoffwerke | | Muentiener Strasse 31 Bettenhau | Postfach 310420 | | 34123 Kassel | | Germany |
| Wel Cha | | PO Box 8024 Mc481chn077 | | | Plymouth | MI 48170 | |
| Weler T | | 5211 Palmer Rd Sw | | | Columbus | _ | |
| Weight & Test Systems Inc | | PO Box 4296 | | | Brownsville | TX 78523-4296 | |
| Weller Welding Co Inc | | 824 E 2nd St | | | Dayton | OH 45402 | |
| Weingardt & Associates inc | | 9285 Castlegate Dr | | | Indianapolis | 1N 46256 | |
| Weingardt & Associates inc Eff | | 9265 Castlegate Dr | | | Indianapolis | 10 40200 | |
| Weingard & Associates inc en | | BO Boy 200518 | | | Houston | TX 77216 | |
| Melanguan Dold & Margh, L | | 1 Commerce Nova Ste 1103 | | | Abany | | |
| Webcaten Reid & Monally I.k. | | One Commerce Plaza | | | Albany | | |
| Weth M | | 6382 Murphy Dr | | | Victor | NY 14564 | |
| Welch M | | 409 Londonderry Ln | | | Mansfield | TX 76063 | |
| Welday K | | (11 Cherry Dr | V - 1 - 1 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 | | Brockport | | |
| Welding Technology Corp | | Wic | 24775 Crestview Ct | | Farmington Hills | | |
| Weldun International Ltd | | 9850 Red Arrow Hwy | | | Bridgman | MI 49106-9710 | - |
| Wellington Crane Service | | 4420 Phillips Dr | | | Wichita Palls | 1 V 74444 | |
| Welman III C | *************************************** | 4805 Arilia Lis Api 330 | | | Shamehin | N.1 07707.4318 | |
| Weiman inc | Months Maradilla | DO BOX 488 | | | Johnsonville | SC 28555 | |
| Wells | | 514 Bookwaller Ave | | | New Carlisle | OH 45344 | |
| Wells Fargo | Alex Svensen | 1740 Broadway | | | Denver | | |
| Wells Fargo | Svensen Alex | Mec 7300 105 | 1740 Broadway | | Denver | CO 80274 | |
| Wells Fargo Bank | Corporate Trust Department | 1740 Broadway | | | Denver | | |
| Wells Manufacturing Corp | | 26 S Brooke St | | | Ford Du Lac | OZOU-BERNES | |
| Weis Manufacturing Corp | | PO Box 70 | | | Norcess | | |
| Webs Operating Foundation Co. | | Waturn Electronics Pk | Bedington | Vorthumberland | | | United Kingdom |
| Warner Precision Tool | Balwier | 9124 Petts Rd | | | Meadville | PA 16335 | |
| Wandali August Force Inc | | Add Chg 8 98 | 620 Madison Ave | | Grove City | PA 16127 | |
| Wendel Construction | | 95 John Mulr Dr Ste 100 | | | Amherst | NV 14228 | |
| Wendling Patterns Inc | | 2121 Jergens Rd | | | Cayton | Ī | |
| Wendy Thomas | | Route 1 Box 277 | | | Chahlan | 707407 | |
| Wenn G | | Z513 Kushbrook Ur | | | ItiHon Essenates | T | |
| Wendland Diesel | | 184450 DWY 31
103 Womer Dd Credit Cent | A 64 Cha Day 1 tr 07/29/05 1 c | | Greenville | | |
| WanterCo | | 193 Wemer Rd | | | Greenville | PA 16125-9434 | |
| Wemer Enterprises I | | PO Box 3116 1 80 & | | | Omaha | | |
| Wes Garde Components Group Inc | Mark Boungimo | 6230 N Bettine Rd Ste 320 | | | Ining | TX 75063 | |
| Wes Garde Components Group Inc | | 4301 Rider Trail Ste 300 | | | Earth City | MO 163045 | |

Delphi Corporation Executory Contracts and Unexpired Leases

| CREDITORNAME | CREDITORNOTICENAME | | ADDRESS2 | ADDRESS3 | CITY | TATE | RY |
|--------------------------------|--------------------|-------------------------------|----------------------------|--|-------------------|----------------|----------|
| William Smith | | 194 Guli Ridge Dr | | | | AL 33504-8241 | |
| William Vance | | 434/ Brookstone Dr | | | | | |
| William Walters | | 4713 Gien Moor way | | | | | |
| William Wildins | 14(III) W (2007) | 1412 Scanett Dr | | | Manaham | N 46013 | |
| Williams Advanced Materials Ef | William Wood | 3 FRWOOD EII | 2079 Main St | Demit Cha 08/03/05 Cs | | | |
| Williams D | | PO Box 214 | Sol Mail Of | 100 CO 700 CO 10 | | | |
| Williams Detroit Diesel Alliso | | Ww Williams | 715 S Outer Dr | | | | |
| Williams Diesel Service | | 5045 Sw 1st Ln | | | Ocala | FL 34474 | |
| Williams J | | PO Box 107 | | | | | |
| Williams Jc | | 735 Cathay St | | | * | MI 48601-1371 | |
| Williams M | | 2842 Hoyle Dr | | | ort | | |
| Williams Metalfinishing Inc | | 870 Commerce St | | | | | |
| Williams Metals & Welding Allo | | Williams Welding Allovs | 1501 Reedsdale St Ste 300 | | _ | | |
| Williams P | | 490 Poppy Ln | | | | | |
| Williams P | | 10200 Ridgewood Dr Ste 617 2 | | | gts | | |
| Williams S | | 94b Foxberry Dr | | | | | |
| Williams S | | PO Box 214 | | | Wilson | | |
| Williams Scotsman Inc | | PO Box 91975 | | | | T 60693 | |
| Williams Scotsman Inc | | Williams Scotsman | 125 Distribution Dr | | | | |
| Williamson G Maintenance Inc | | 1221 Stimmel Rd | | | S | | |
| Williamson Polishing & Plating | | 2080 Andrew J Brown Ave | | | lis | N 46202 | |
| Willie Burt | | 708 Douglas Ave | | | | | |
| Willie Christopher | | PO Box 683 | | | | | |
| Willie Franklin | | 2274 Cypress Ave | | | Morrow | | |
| Willie Holmes | | 2327 State St | | | | | |
| Willie Mcmullen | | 14009 Marion Loop | | | Tuscaloosa | 35405 | |
| Willie Thomas | | 6359 Robinson Rd Ant 7 | | | | | |
| Willie Of Toxas Inc | Barbara lofforov | 301 Commons Ct | Sto 3050 | | | | |
| Willia Of Texas III.C | Daibaia Jerierey | 27611 Euglid Aug | OCG 2000 | | Willenster | | 1: |
| Willow IIII | | 37611 Euclid Ave | | | | | <u> </u> |
| William Class | Solos | To Dough AO & Oak DA | | | | 11 08310 | |
| Wilson Company Inc | Jeff Wallace | 11875 W I IFFE YORK BA SLIF | | | | | |
| Wilson Company Inc | 000 | | | | | | į |
| Wilson Company Inc | | 16301 Addison Rd | | | Dallas | TX 75248-2448 | 1 |
| Wilson D | | PO Box 133 E Main St | | | | MI 48726 | 74 |
| Wilson D | | 11190 Apache Dr Ste 203 | | | ights | | T 2 |
| Wilson Gamer Co Inc | | 40935 Production Dr | | | Harrison Township | | |
| Wilson H | | 2515 N Mason St | | | | | |
| Wilson J | | 2923 Gulf Stream | | | | | • |
| Wilson Jr E | | 3567 Warner Dr | | | | | |
| Wilson R | | 8808 Surrey Dr | | | Pendleton | N 46064 | |
| Wilson R | | | | | | | T |
| Winbond Electronics Corp | | C/o Skyline Sales & Assoc Inc | 807 Airport Rd N Office Pk | | | | |
| Winco Stamping Inc | | W156 N92// Lipp St | | | Falls | 53051 | |
| Wind River O'N Ltd | | Office Northing Ba | | | gnam | | = |
| Windsor Machine & Stamping Ltd | | 5725 Outer Dr | | | Windsor | MI 46180-4461 | |
| Windsor Mold Inc | | 444 Hanna St F | | | | N8X 2N4 | |
| Windsor Mold Texas Inc | | 9200 S Austin Dr | | | | 78577 | |
| Wineman Technology Inc | | 1668 Champagne Dr N | | | Saginaw | | |
| Wing M | | 5627 Colauitt Rd | | | | | |
| Wing M | | 2005 County Line Rd | | | | | |
| Wingeier Kenneth G | | 555 Mt Vintage Plantation Dr | | | ısta | | |
| Winkelman Sales | | 119 Burch Ave | | | | | |
| Winkle Electric Co Inc | | 1900 Hubbard Rd | | | ٦ | | |
| Winston Heat Treating Inc | | 711 E 2nd St | | | Dayton | | |
| Wintech Inc | | 1175 Enterprise Dr | | | | | |
| Winterbottom David A | | 2311 Littler Ln | | | | SA 92056-3712 | |
| Winzeler Stamping Co | | 129 W Wabash St | | | ier | 43543-1838 | |
| Wirco Product Ltd | | 1011 Adelaide St S | | | | | |
| Wirco Products Inc | | 2550 20th St | | | | | |
| Wire D | | 562 Spring Lake Circle | | | | LA //1106-4602 | |
| Wire Products Co Inc | | 14601 Industrial Pkwy | | | Cleveland | OH 44135-454 | |
| Wire Products Co Inc | | 14601 Industrial Pkwy | | | | 9441354545 | |
| Wirelond Approved Concultants | | 970 10a rayon N | | | | | |
| Wireless Approval Consultants | | 8200 Washington Church Rd | | | | MI 48111 | Ī |
| Wilding | | מיו ויסיושוווקנטוו לווחוקנטוו | | | | | 1 |

| colliorName
adamy 1 fe | CreditorNoticeName | | Address2 | Address3 Address4 | | State | Zip C | Country |
|--|--------------------|-------------------------------------|------------------------------|-------------------|--------------------|----------|-----------------|-----------------|
| Academy Of Certified | | Hazardous Materials Manager | 9650 Rockville Pike | | Bethesda | 3 🕏 | 20814-3999 | |
| ademy Of Certified Hazardous Materials | | | | | | | | |
| Managers | | 9650 Rockville Pike | 000 | | Bethesda | QW | 20814-3999 | |
| Academy Of Math Science | | S Jechnology | Ste 202
154 Hamilton Blvd | | Attleboro | 1 | 2703 | |
| ademy Of Math Science and Technology | | 154 Hamilton RN4 | | | Struttere | 1 | 44474 4446 | |
| adla Conoco | | 766 S Plant Rd | | | Edan | † | 70531 | |
| Acadla Corp | | Acadia Polymers | PO Box 3463 | | Boston | İ | 22413463 | |
| Acadia Polymers | | 5251 Concourse Dr Ste 3 | | | Roanoke | | 24019 | |
| Idla Polymers Corp | | PO Box 3463 | | | Boston | | 02241-3463 | |
| idia Woodinge Operation | | TUBZO BRBUGIN BIVO | | | Woodridge | _ | 60517 | |
| | | PO Box 5519 | | | Boston | 1 | 02241-3519 | |
| | | | Church Crockbar | | Mew IDenta | 5 | Victory Control | The of Williams |
| Acal Electronics Ltd | Neil Garrioch | | Church Crookham | | Hamehira | | GUISORDIO | United Kingdom |
| | | | D74220 Flein Hellbronr | | o medium. | | מחיים אירופי | Germany |
| Acal Technology Limitec | | | Molty Milers Lr | Wokingham | Berkshire | | RG412FYIU | United Kingdom |
| ardl Ben C | | | | | Saginaw | × | 48603-4114 | |
| Accede Mold | Accounts Payable | 1125 Lexington Ave | | | Rochester | | 14606 | |
| Accede Mold & Tool Co Inc | | 1125 Lexington Ave | | | Rochester | | 14606-2903 | |
| ede Mold & Tool Co Inc Efi | | 1125 Lexington Ave | | | Rochester | | 14606 | |
| Accede Mold and Tool Co Inc | | 1125 Lexington Ave | | | Rochester | | 14606 | |
| Side Mold and Tool Co inc En | | 1125 Lexington Ave | | | Rochester | | 14606 | |
| election Technologies Effilm | | 4750 Anderson Divid | | | orrance | 1 | 90503-7230 | |
| Accelerated Technologies Inc | | 1780 Anderson Blvd | Hid Par Eft Rit 9 1 05 Cc | | Hebron | 2 2 | 41048-9768 | |
| elerated Technologies Inc | | 8118 Corp Way Ste 201 | | | Mason | | 45040 | |
| slerated Technologies Inc | | 8118 Corporate Way Ste 201 | | | Deerfield Township | | 45040 | |
| slerated Technologies Inc | | 1611 Headway Cir Bldg 1 | | | Austin | | 78754-1835 | |
| Acceleration Station | 2120 | 1105 Detaware St | | | Salem | | 24153 | |
| llant Endoscon | | PO Box 414062 | | | Englewood | | 80710 | |
| Accellant Endoscopy Eff | | Frmby Utthec | PO Box 414962 | | Boston | t | 22414962 | |
| Accelrys | | 9685 Scranton Rd | | | San Diego | | 92121 | |
| Accelrys Inc | | 9685 Scranton Rd | | | San Diego | | 92121-3752 | |
| Acceltys Inc | | Dept Ch 10892 | | | Palatine | | 60055-0892 | |
| Accent Erection & Maint Co | | Accent Sales & Service Co | 3613 3637 Troost | | Kansas City | Q. | 64109-2668 | |
| nt On Creativity & Knowledge | | 1000 E Mapre
1038 I Intereste Di | | | -roy | İ | 48083 | |
| nt Optical Technologies fr | | 2186 Paragon Dr | | | San Jose | 5 | 95131 | |
| nt Optical Technology | Manual Melendez | | Ste 207 | | Bend | | 97701 | |
| Accent Reduction Inc | | oh Rd | Ste 400 | | Southfield | | 48034 | |
| nt Reduction Inc | | 29088 I Blegraph Kd Ste 400 | | | Southheid | 1 | 48034 | |
| nt Salas and Service Co | | 1904 Troop Ave | | | Nansas City | 2 2 | 04108 | |
| cent Service Company | | 6200 Aurora Ave Ste 301 | | | Der Moiner | Ì | 50350 | |
| seaso | | Lock Box 3008 | | | Washington | 200 | 20061-3008 | |
| ss Ability Uk Ltd | | 78 82 Church St | | | Manchester | Ī | 0SK10-1JNU | nited Kingdom |
| Access Ability Uk Ltd | | Fountain SI | Belgreen House | | Macclesfield Ch | | SK101HNU | United Kingdom |
| ss Conference Call Service | | 1861 Wiehle Ave | | | Reston | Α | 22090 | |
| ss Conference Call Service | | Addr 6 12 96 | 1861 Wehle Ave | | Reston | | 22090 | |
| Access Electronics De Mexico | Accounts Dayable | Carretera Internacional Guadale | | | Empalme | | 85340 M | Mexico |
| Access Electronics Inc | | 38861 Eagle Way | | | Chicago | <u> </u> | 60678-138 | |
| Access Electronics Inc | | PO Box 95139 | | | Palatine | | 60095-0139 | 8 |
| ss Electronics Inc Eff | | 38861 Eagle Way | | | Chicago | | 60678-1388 | |
| ccess Health Inc | | Referral Systems Group | 11020 White Rock Rd | | Rancho Cordova | | 95670 | |
| ss Intelligence Lit | | PO Box 60055 | | | Potomac | | 20859-0055 | |
| ss One Technology | | 23373 Commerce Dr Ste A2 | | | Canthersburg | OM S | 20877 | |
| ss One Technology Group L | | 23373 Commerce Dr Ste A2 | | | Famington Hills | | 48335 | |
| ss One Technology Group Lic | | D B A Access One Capital Group Lic | 23373 Commerce Dr A2 | | Farmington Hills | Σ | 48334 | |
| Access One Technology Group Lic D/b/a Access | | | | | | | | |
| Access One Technology Lk | Kevin N Fanrov Cec | 23373 Commerce Dr A2 | | | Farmington Hills | <u> </u> | 48335 | |
| ass Remote Pc | | 212 Floyd Ave Ste 1 | | | Modesto | 8 | 95350 | |
| ess Remote Pc Com | | 212 Floyd Ave Ste 1 | | | Modesto | S, | 95357 | |
| ass Remote Pc Com | | PO Box 576347 | | | Modesto | Y. | 95357 | |
| Accessian Communications | | 2040 Fortune Dr | | | San Jose | ₹ | 95131 | |
| sasatronik Inc | | 9305 Trans Canada Hwy | | | Can Jose | 5 | PSTS1 | Canada |
| Accetta Alec | | 4887 Riverview Dr | | | Bridgeport | Σ | 48722 | ariada |
| Accetta Angela | | 4887 Riversiew | | | Bridgeport | Σ | 48722 | |
| tta James | | 4887 Riverview DI | | | Bridgeport | Σ | 48722 | |
| acca Allan | | 1100 Case cer our or | | | El Paso | × | 71881 | |

| | Zressquip Co
Affordable Office Furnit
Transport Lic | 2 | *************************************** | Rmt Ad Chg Per Lir 04 05 05 Gi | | | | | 7255-5732
45042 | |
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| Application | Alfordable Office | Ē. | | S N Clinton St | | | | T | 45040 | |
| Comparison Com | | <u>P</u> | | | | | | | 0675-5494 | |
| The control of the | | | frong Vendor Setup | | Dine Reland To Debahi | | | + | 2675-5790 | |
| Colored Colo | l | | 732 State Rie 445 326 | | ndead of Rivers | | | | 0000000 | |
| | l | | Meandle St | | | *************************************** | | | 14811 | |
| Comparison Com | tal Finishing | 2 | 2803 Patmore | | *************************************** | | | - | 48036 | |
| Columb C | el Company | 39 | 221 West 164th St | | | | | - | 44142 | |
| Control Cont | sign Alabama Inc | 36 | 20 Тасоты Сt | | | | | _ | 48420 | |
| Column C | Mgn Alabama inc Ett | 36 | 20 Tacoma Ct | | | | Clle | | 48420 | |
| Comparison | | 5 | O S Mill St Ste 1 | | | | Cilo | _ | 48420 | |
| The clase of the | Marie Cit | ň. | O MIN OT OTHER | | | | | | 48420 | |
| Deciding Cases 10 to tack the color 10 | es Enterprises Inc | 76 | 105 I harty Church Ed | | | | | | 1920 | |
| Comparison Com | as Entamitias Inc. | 5 | l na | 20 Pay 2045 | *************************************** | | | | 1218-6853 | *************************************** |
| Control Courts Cont | l | | 184 | PO Box 3045 | | | | T | 1203-3043 | |
| The control of the | | | | | | *************************************** | | Ī | 00000 | |
| Column C | l | | 200 Fairway Rhyd | *************************************** | *************************************** | | | | 2020 | |
| The control of the | 1 Company Inc | <u> </u> | O Box 4803 | | | | | T | 10010 | |
| Marcheller | Is Supply | 1 | 228 Buenos Ave | | | | *************************************** | + | 2002 | |
| The table The | Xing Co Inc | - | | PO Box 70 | | | | Ī | 49331 | |
| Manufactors | C | 7 | | | | | | | 8314-3239 | |
| Participate | | | 390 S County Rd A | | | | | | 54880 | |
| Marche March Mar | İ | | 1001 Orchard Lake Rd Ste 110 | | | | | | 8336-2549 | |
| Control Cont | annery Sales Inc | 3 | | | | *************************************** | | = | 44202 | |
| Marche March Mar | alifoly Sales inc | Z Z | | | Kmt Add Chg 10 00 Tbk | | | - | 44202 | *************************************** |
| Marche March Mar | and how | 27 | PLAN CONTRACTOR | | *************************************** | | - | | 48091 | |
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| 100 | do Inc | 26 | | | | | 1 | | 44500 | |
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| Control Cont | ho | | 32 Westview Dr | | | | | | 16335 | |
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| Principle Prin | sport Inc | 7 | SW Main St | | | | - | T | CORPY | |
| Control Cont | tracing Co |)d | D Box 362 | | | *************************************** | | 1 | Ande Date | *************************************** |
| Control | ric Products | | | 2201 Ne 109th Court | | | | T | 84157 | |
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| Decided by Maria | stics inc | 22 | 3399 Goddard Rd | | | *************************************** | *************************************** | | 48174 | |
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| Prot Of Separation Not | Com | 8 | Ju | Rural Rt2 PO Box 502a | | *************************************** | | | 7462-9521 | *************************************** |
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| 10 10 10 10 10 10 10 10 | | * | | | | | | | 48502 | |
| 100 | ling Corp | 34 | 11 E Pond Dr | | | | | | 8065-7600 | |
| Description 20 Fewer 81 PO Description PO DESCRIPTION PO DESCRIPTION PO DESCRIPTION PO DESCRIPTION PO DESCRIPTION PO DESCRiption PO DESCRi | Ing Corporation | 1 | N E Pond | | | 11110111111111111111111111111111111111 | | - | 48065 | |
| December | ation Company | 88 | | | | | | r | 8518 | *************************************** |
| PO Date Right | scape Maintenance | 3 | | PO Box 8251 | | - | | ľ | 9518-8251 | *************************************** |
| Bud Facoris 671 Cast 64 336 140 Cast 64 33 | Iscape Maintenance Lic | P | | | | | | | 9518-8251 | |
| Built-Forme Figures Ander Chee Figures Chee Figures Chee Figures Chee Figures Chee Figures Chee Figures | | | 211 Creek Rd | | | | | | 4174-9750 | |
| 1107 Real Dr. 1107 Real Dr | | | 732 State Rts 445 326 | | | | | - | 9436-6258 | |
| 110 Cented Dr. 100 | strial Supply | Ā | ddr Chg 10 98 | 1107 Retail Dr | | | | - | 35816 | |
| 100 Septembor 100 Septembo | etrial Supply Inc | | 07 Retail Dr | | | | | | 5818-1829 | |
| 1500 Satura for No. | sport | 96 | SS Express Dr | *************************************** | | *************************************** | | 1 | 66920 | *************************************** |
| 1500 Early 1500 Earl | sport fine | 3 | SS Fromme Or | | *************************************** | | CONTRACTOR OF THE PARTY | _ | 46950 | |
| Accordance Council Stitutum 1 | ding Service Inc | - | 39 Santa Fe Ave | THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAM | ANTONOCCIO DE LA CONTRACTOR DE LA CONTRA | | | | 27000 | |
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| Color Mayer | Tricking Inc | * * * | WIND TOTAL DA | | | *************************************** | | 1 | 90139 | *************************************** |
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| Controlled Con | 1 | | D Box 641366 | | | | | | 5264-1366 | |
| Machine Mach | 1 | | amer Norcross & Judd LLP | 2000 Town Center Ste 2700 | | | | | 48075 | |
| Comparison Com | nine Products inc | 30 | | | | | | | 47001 | |
| Machinest State | AINS Products Inc | 3 | | Kemit 6 99 Letter | | | | | 47001 | |
| 1982 | But | 4 | 29 Euphrosine St | *************************************** | | | | - | 70125 | |
| 17.225 Participate Walter 17.2 | KING SEIVICEB | X. | 28 N 114th St | | | | | | 53222 | |
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| Trace in Septembre Color Mile | Lices Company Lic | F | 22 Selfs UT | | *************************************** | *************************************** | | | 7076-2930 | |
| Mile | 110 | | | | | | | | 48420 | |
| March Design Marc | SOUR CHARLES | G) | *************************************** | 205 S 400 West | | *************************************** | | _ | 46140 | |
| Mari David Warms Tisto Cale K Stret Adabum MV David Warms Tisto Cale K Stret Adabum MV Tisto Tabulatia blev Edward Ste 4 Adabum MV Tisto Tabulatia blev Edward | 1 | | S S 400 W | *************************************** | | | - | | 46140 | |
| Carrier Carr | - | | XC3 Clark St Rd | | | | | | 3021-9593 | |
| 13 | ı | | 11 Wain St | | | | Xford | | 1537-1105 | |
| 1500 Chee Ki RM 1500 Chee | - | | 3 Warshouse Row | | | | | - | 2205-5724 | |
| 1722 Charlett Plv 1722 | | | 303 Clark St Rd | | | | Aubum | | 3021-9593 | |
| PO Box 40791 Radion Ruspe LA | tems Sales Inc | 34 | | \$10.4 | | | | | 20809 | |
| POB ex 40781 PARTER PART | tems Sales Inc | PG | | • | | *************************************** | *************************************** | | 70898 | |
| 13155 Chevrotable Ave Colik Pk Mil 13155 Chevrotable Si | stries inc | ď | D Box 40781 | | | | | | OPCAP | |
| 13155 Converted 51 | Cul. | | ALE Claimadels Are | | | | | | 04704 | |
| 5302 W Colonians SI | | ************************************** | | *************************************** | *************************************** | *************************************** | | | 46237 | |
| 902 Volumine Rd 1001 Miles | 2 | 15 | 1155 Cloverdale St | | | | | | 48237 | |
| 3 Overlook DF Amfutst NH PO Dex 667 Charle Steam IV Rint Clay 01 300 d.Am (101 Quality, Ct Charle Steam IV IN IV Charles Steam IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN IV IN IN | line
Inc | 8 | 22 W Coldwater Rd | | | | | _ | 48458 | |
| PO Bax 8045 Carol Steem IL | y & Associates | Ē | Overbook Dr | | | *************************************** | | ľ | 3031 | |
| Rint Chig 01 30 04 Am (101 Quality, Ct. | | PG | | | | | | | 0122.804S | |
| | | æ | | Of Quality Ct | | | | | 47111 | |
| NAMAY ENCIONES | ant Co Inc | N | | 2014 Mahanhar Ava | | *************************************** | | | 34-11.7 | |

Delphi Corporatio Creditor Matrix

| CreditorName | GreditorNoticeName | Address1 | Address? | Addrese 3 | A defended | 9 | State Constant |
|--|--|---------------------------------------|--|--|------------|--|---|
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| Control Cont | nmit Automation And Control | | 11815 Hwy Dr Ste 300 | | | | | ŀ | 45241 | |
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| arrant County College | | PO Box 961014 | | | | FtWorth | 76161 | |
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| rrant County College | | | | | | | | |
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| rant County Junior College Northwest Campus | | 4801 Marine Creek Pkwy | | | | | 76178 | *************************************** |
| rant County Junior College South Campus | | 5301 Campus Dr | | | | | 76118 | |
| Tarrant County Tax Assessor | | Collector | PO Box 961018 | | <u> </u> | Fort Worth TX | 76161-0018 | *************************************** |
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| aste Of Home | | Reiman Publications | PO Box 992 | | 9 | Greendale Wi | 53129-0992 | |
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| Consultancy Services | | 250 E 5th Ste 1500 | | | 0 | | 45202-4172 | |
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| Charles | | 914 E Holland Ave | | | 3 | Saginaw | 48601-2622 | *************************************** |
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| d Sales And Distribution Inc | | | | | | | | 10710 | |
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4420 Dixin Hwv | | | *************************************** | San Antonio
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| Tot Stainless Steel Inc Eft | *************************************** | 6300 19 Mile Rd | | | | Starling Hts | Ξ | 48314 | |
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| nterprises | | PO Box 237 | | | | River Grove | = | 60171 | |
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| or Of America | | 1600 Feehanville Dr | | | | Mount Prospect | : 4 | 60056-6014 | |
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| opporation of America | John P Stager | Katten Muchin Rosenman LIP | 525 W Monroe St | | | Chicago | | 60661-3693 | *************************************** |
| yporation Of America | | Jeff J Friedman Qubliah A Davis | 575 Madison Ave | | | New York | ž | 10022 | |
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| Tak Ferrites Corp | | 4015 West Vincennes Rd | Add Chg 112604 Ah | | | Duesselden nw
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| Solutions Inc | | 1101 Cypress Creek Rd | | | | Cedar Pk | X | 78613 | |
| Solutions Inc | *************************************** | 1101 Cypress Creek Rd | | | | Cedar Pk | × | 78613-361 | |
| C Ltd | | 660 Eksdale Rd Winnersh | Trangle | | | 1 1 | | RG415TSU | United Kingdom |
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| legration Services | | 18805 Se 296th St | | | | Kent | WA | 98042 | |
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| bandive | | Dock 6ww | 999 Boundary Rd | | | Oshawa | No | L1J 8P8 C | Canada |
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| tomotive Us Inc | | Lake Orion Oxford Pit | 201 E Uranner | | | Oxford | 2 2 | 48371 | |
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| s Cable | | Div R2 Technologies Llc | 107 North Fifth St | | *************************************** | Saddle Brook | Z | 7663 | |
| e and Cable | | PO Box 1450 Nw 5434 | | | | Minneapolis | N. | 55485-5434 | |
| seac America Inc | | 7733 Telegraph Rd | | | _ | Hantshalls | 2 | 00840-6537 | |

| Creating Control of the Control of t | | Address | Address2 | Address3 Ad | dress4 City | State | Zip Coun | itry |
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| oltz Dickie Corporation | | 6 Brookside Dr | Barnes Industrial Pk | | North Wallingford | -C | 6492 | |
| Sond Brake Inc | Accounts Payable | 1350 Jarvis | | | Femdale | 2 | 48220 | |
| Sond Brake Inc | | 1350 Jarvis | | | Fomdale | 7 | 48220-201 | |
| Sond Brake Inc | *************************************** | 1350 Jarvis St | *************************************** | | Femdale | M | 48220-201 | |
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| Sond Extrusions Lic Formly | | Eldon Extrusions Inc | 3909 Research Blvd | | Dayton | НО | 45430-2109 | |
| WK Inc | | 4404 Euclid Ave | | | East Chicago | N | 46312 | |
| Uni Comps inc | | 4441 S Sagnaw St | | | Fig. | M | 48507-285 | |
| IS COP 214 | Goto | Coo Main St. Ch. T. | | | Greenville | SS | 29605 | |
| | A III | SOU MAIN SUSIE E | | | Kedwood City | Y. | 94063-1733 | |
| In Case 8 Test Ca | | 184U1 North Zoth Ave F | | | Phoenix | AZ | 85023 | |
| ade & Tool Co | | 20308 Vorbehire Dr | | | Madson Heights | E | 480/1 | |
| age and Tool Co | | 30308 Vorlehira | | | Made I negative | 8 3 | 1/004 | |
| Uni Marc Sr | | Ma San Vith 1 | *************************************** | *************************************** | Sulfiel Dobban | II. | 4007 | |
| Select | | 170 Boul Industrial | | | Vice love Calavoso | | MB 2V3 Can | ş |
| slect Ho Brampton | | 145 Waker Dr | | *************************************** | Reamfon | 3 2 | FT 5P5 Cara | 9 |
| Selecting | | 170 Industrial | | | Boucherville | Ca | MA 2X3 Cana | 9.4 |
| elect Inc | | 170 Industrial | | | Rougherdilla Canada | 2 0 | MR 2X3 Canada | 9 |
| elect Moncton | *************************************** | 80 Rooney Crescent | | | Marchan | 3 av | E1E AMS Cana | 9 |
| sk Manufacturing Co | | I S F D M Systems | 1010 I ambracht Rei | **** | | | E 480 Cal | |
| Uni Tek Manufacturing Company | | 1010 Lambracht Rd | | | Franklar | - | 60423 | |
| × | | 4404 Fucild Ave | | *************************************** | Foet Chicos | | 78242 | |
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| am Industries Inc | | 1100 Call Cordilare | | | Sail Mallian | 50 | 2000 | |
| Am Industries Inc | | 1100 Calle Cordillars | | | Sali Odilana | 50 | 27020 | |
| suit | | 8192 Southnark In | *************************************** | | Contained in the contai | 500 | 01430 4640 | |
| Interest Inc | | 8192 Southpark in | | | i illator | 300 | 00120 | |
| Inico Inc | | 3725 Nicholson Rd | | | | 3 5 | 62426.0505 | |
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| nc | | Bin No 88 403 | *************************************** | | Miwaukee | M | 53288-0403 | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |
| Test inc | | Innotest Inc | 3833 Sunset Knolls Dr | | Thousand Oaks | CA | 91362 | *************************************** |
| Systems inc | | 327 Dahlonega Rd Ste 1401 | | | Cumning | GA | 30040 | |
| Systems Inc | | 327 Dahlonega St Ste 1401 | | | Cumming | GA
A | 30040 | |
| Sales Inc | | 6155 Almaden Express Way | Ste 460 | | San Jose | Ç | 95120 | |
| Federal | Fin Ofe | Prison Industries Inc | 1101 John A Danie Rd | | Memphis | TN | 38134-7690 | |
| nicor Federal Prison and I | Fin Ofc | 3301 Leestown Rd | | | Lexington | <u>₹</u> | 40511-8799 | |
| Federal Prison indi | | Inree Kivers IX FCI | Hwy 72 West | | Three Rivers | | - | |
| Lefec Computs | Candy Wang | 84 No 8 Ln 7 | Wu-chluan Rd | | Wu Gu Shlang Taipel | | TA!WAN 248 Taiwan | 20 |
| n Manufacturing Eff | | PO Box 186 | | | Pine Brook | | | |
| Unicom Manufacturing Eft | | 323 Changebridge Rd | | | Pine Brook | N | 7058 | |
| 1 Mfg Screw Products Inc | | PO Box 186 | | | Pine Brook | N. | 70580186 | |
| | *************************************** | 740 Haverford Rd | | | Brynmawr | Ā | 19010 | |
| 83 | | 2416 North Main St | | | Warsaw | ¥ | 14569 | |
| Corp of Western | | 2416 North Main St | Upott Per Ltr 06 10 05 Lc | | Warsaw | λN | 14569 | |
| Corporation Of Western | | 2416 N Main St | | | Warsaw | Ž | 14569 | |
| Solutions | Accounts Payable | 9801 80th Ave | | | Pleasant Prairie | × | 53158 | |
| Solutions Inc | *************************************** | 9801 80th Ave | | | Pleasant Prarie | × | 53158 | |
| Systems | | 26532 Groesbeck HWy | *************************************** | | Warren | × | 48089 | *************************************** |
| Systems Corporation in | | Zd53Z Groespeck HWy | | | Warren | × | 48089 | |
| Linited Translity Office Of Chinty Transliner | | Misselotte County | Wyandowe County | PO Box 1/5013 | Kansas City | KS S | 66117-5013 | |
| | | 8000 Commerce Ave | | | Name of the second | 21 | 2007100 | |
| Infirst | *************************************** | DO 20. 20150 | | | | 4 | 2000 | |
| Corp | | 6920 Commerce | | | El Dec | <u> </u> | 70015 1100 | *************************************** |
| lic line | | 7830 Locklin Dr | | | Brinken | V 191 | 2011-01997 | |
| Uniforce Electronics Company | Accounts Payable | PO Box 5786 | | | Social How | 27 | 72440 | |
| n Color Company Corp | | 942 Brooks Ave | | | Holland | · M | 20407 | |
| n Tubes Inc | | 200 W 7th Ave | | | allivapello. | Vd. | 19428_0092 | descriptions of the transfer of the transfer |
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| Unifrax Corp | Hodgson Russ LLP | L Youaty | | | Ruffalo | ž | 14203-2391 | |
| Corp | | 2351 Whildpool St | Fmh Carborandum Co | | Niacara Fails | À | 14305-2413 | |
| Сор | | PO Box 710985 | | | Cincinnati | ᆼ | 45271-0985 | |
| Unifrax Corporation | Stephen L. Yonaty Mark D Ross | Hodgson Russ Up | One M&t Plaza Ste 2000 | | Buffalo | ķ | 14203-2391 | |
| Corporation | | 2351 Whirlpool St | | | Niagara Falis | ≥ | 14305 | |
| phics | | 4994 Pk Lake Rd | | | East Lansing | M | 48823 | |
| ones Print & Copy | | 4994 PK Lake Rd | | | East Lansing | Mi | 48823 | |
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| Compression I lee Deaths Development | | 101010 0 001 | | Harry Comments of the Comments | ess4 City | | di2 | Country |
|--|---|--------------------------------|--|--|--|--|----------------|-----------|
| O Inc | | PO Box 640104 | | | Pittsburgh | | 15264-0 | 104 |
| nd D Inc | | 8214 S Sorensen Ave | | | Canta re opr | | 906 | 570 |
| Ut Battelle Lcc Treasury Serv | | Oak Ridge National Laboratory | PO Box 281390 | | Affanta | GA GA | 30384-1390 | 08) |
| atelie Lcc Ireasury Serv Oak Ridge National
oratory | *************************************** | PO Box 281390 | | | A characteristics | | 20381 | 90 |
| Ut Battelle Lic | Suzan Collins | Dept 888071 | | | Knowille | | 30384-1380 | 280 |
| Products Inc | П | 2520 N Powerline Rd Unit 305 | | | Pompano Ber | | 33 | 169 |
| Jisd Inc | *************************************** | Union Tool & Die | 8214 S Sorensen Ave | | Santa Fe Springs | ings | 06 | 370 |
| State Of | *************************************** | Hob Dant Of Commerce | DO B 22 25 125 | | Salt Lake City | | 84125-0 | 125 |
| State Of Utah Dept Of Commerce | *************************************** | PO Box 25125 | | | Sart Laxe City | | 84125-012 | 125 |
| State Tax Commission | | 210 N 1950 W | | | Salt Lake City | *************************************** | 84 | 34 |
| State Tax Commission | | 210 North 1950 West | | | Salt Lake City | | 84134-0 | 180 |
| Ctan State 18X Commission | | Sales Tax M | 210 North 1950 West | | Salt Lake City | , UT | 84134-0400 | 100 |
| State Tax Commission Sales Tax M | | 210 North 1950 West | | | 4:0 = 4: CO | | 04424.0 | 300 |
| State University | | College Of Business | 3500 Old Main Hill | | Logan | 10 | 8432 | 22 |
| State University | | Financial Aid Office | | | Logan | | 84322-1 | 100 |
| State University | | College Of Business | Shingo Prize | | Logan | | 84322-3 | 121 |
| State University College Of Business | | Shingo Prize | | | Logan | | 84322-3 | 121 |
| Valley State College | | Business Office Ms109 | 800 West University Pkwy | Add Chg 5 01 | Orem | | 84058-5999 | 199 |
| Fonds Fledrical Systems Co | Accepte Devela | 800 West University Pkwy | | | Orem | 15 | 84058-5 | 186 |
| Tonoda Electrical Systems Co Ltd | Т | 1 uchang Industrial Pk | | | Changehou | distanting recognition to the state of the s | 213025 | 25 China |
| Lorean M | | N92 W 25030 Blue Heron Dr | *************************************** | 4) | Siesey | | , and a second | Colina |
| h James | | 15430 Yorba Ave | | | Chino Hills | CA | 56 | 91709 |
| Com | | Utility Technologies Internati | 2685 Plain City Georgsville Rd | | West Jefferso | | 4316 | .82 |
| Ca Coro | | 200 W 7th Ave | | | Collegeville | | 19426-2 | 11 |
| Hon Italisport | | FO Box 19043 | *************************************** | | Newark | *************************************** | 7 | 95 |
| Community Schools | Community Education | 55041 Shelty Bd | | | Utca | | 48 | 117 |
| Community Schools | | Community Education | 11303 Greendale | | The Leafing Le | | 2007 | 270 |
| Community Schools Community Edeucation | | 11303 Greendale | | | Station Hale | | 48312-2926 | 25 |
| Enterprises Inc | | Robomatiks | 13231 23 Mile Rd | | Shelby Towns | | 48 | 115 |
| Enterprises Inc | | 13231 23 Mile Rd | | | Shelby Twp | | 48 | 115 |
| Critistis Inc | | PO Box 64388 | | | Detroit | | 48284-0388 | 188 |
| fransport Inc | | Scac Lifth | 511 Brown Rd | | Shelby Lowns | | 48315-3 | 210 |
| Transport Inc | | 511 Brown Rd | | | Poplier | | 48340 N | 100 |
| International Inc | | 610 Finley Ave | | | Alax | | 118 | E3 Canada |
| Utility International Inc | | 610 Finley Ave | | | Ajax Canada | | L1S 2E3 | E3 Canada |
| Rebate Consultants Inc | *************************************** | 2518 East 71st St | | | Tulsa | | 74136-5 | 331 |
| Sunby Of America Inc | *************************************** | DO Box 1186 | | *************************************** | Northbrook | 4 | 09 | 162 |
| Supply Of America Inc | | Usa Bluebook | 3781 Burwood Dr | | Warkedan | | 98 | 185 |
| Technologies | | International Corporation | 2685 Plain City-georgesville | Road | West Jefferson | | 43 | 62 |
| lechnologies International Corporation | | 2685 Plain City Georgesville | Road | | West Jefferso | | 43 | 162 |
| | | PO Box 414962 | | | Boston | | 02241-486 | 162 |
| dev Angela | | 17 Dox 4 (4302 | | | Boston | WA | 22414 | 962 |
| Inc | | 804 N Wahut St | | | Stasla | ON ON | 400 | 77 |
| nc | | PO Box 207 | | | Steele | OW | 63 | 77 |
| Utley Michael G | | PO Box 22 | | | Anderson | 2 | 48015-0022 | 122 |
| Gomez Marthe Margarita | | Servicios Integrales De Ingene | Jose Maria Vetiz 422 | Frace Los Candiles | Queretaro | | 76 | 90 Mexico |
| Mark
at Doulet | | 36538 Maplewood Ln | - | | Sterling Heights | EN ME | 48 | 110 |
| Useriger Daniel | | 75 North Main St | A MANAGEMENT SALAMA ANALAS ANA | | | | 4538 | 181 |
| Marioria Maxina | *************************************** | 903 N Chirch of | | | Sharpsvile | 2 3 | 46068-5 | 19 |
| ack Edward L | | 3150 Se Gran Via Way | *************************************** | | Buysdiag | 2 3 | 34900 646 | 700 |
| Utterback Janis E | | 3150 S E Gran Via Way | | | Strart | 4 | 34996-51 | 50 |
| er Harold | | 1877 Valley View Dr | | *************************************** | Kokomo | <u> </u> | 46 | 102 |
| ar Terry L | | 3403 Williams Dr | | | Кокото | N | 46902-396 | 167 |
| Uz Engheering | Bert Deutsch | 101 Industrial East | | | Clifton | 2 | 7 | 112 |
| Tings Ban | | 80 Giencroff Pi | | | Centerville | 5 | 45459-4837 | 137 |
| ocess Supply Inc | | 1229 W Corfland | | | Grave Crty | HO | 43123-36 | 382 |
| Uv Process Supply Inc | , | 1229 W Cordand St | | | Chicago | | 80814-4 | 105 |
| achine Co Inc | | 45130 Polaris Ct | | | Plymouth | IWI | 48170- | 85 |
| Uva Machine Company Err | | 45130 Polaris Ct | | | Piymouth | x : | 48170 | 170 |
| 10 | - | PO 80x 5015 | | | Libland | A.C. | 01785.5 | 15 |
| enter Rock County | | Business Office | 2909 Kellogg Ave | | Janesville | 5 5 | 53 | 46 |
| enter Rock County Business Office | | 2909 Kellogg Ave | | | Janesville | M | 53. | 146 |
| Uw Center Wankesha County
Uw Center Wankesha County Rusiness Office | | Business Office | 1500 University Dr | | Weukesha | Σ: | 53188-2799 | 93 |
| hitewater Student Accounts Office | | Hver Hall Rm 110 | | | Waukesna | X | 53186-2 | 06 |
| naya Inc | Mr Toshi Moriguchi | Treasurer | PO Box 3642 | *************************************** | Seattle | WA | 98124 | 24 |
| yttenhove Justin | | 11420 Weather Wax | | | Jarome | | 48 | 449 |
| Uzar Leonard | | 481 Leydecker Ave | | | West Seneca | | 14. | 24 |
| | | 773 Millerage in | | _ | TWO IN THE TOTAL | | | • |

EXHIBIT 8

CERTIFIED 1 -1 2 UNITED STATES BA 3 SOUTHERN DISTRICT OF NEW YORK 4 Case No. 05-44481 (RDD); Adv. Proc. No. 07-02619 (RDD); Adv. Proc. No. 07-02242 (RDD); Adv. Proc. No. 07-02256 (RDD); 5 Adv. Proc. No. 07-02333 (RDD); Adv. Proc. No. 07-02580 (RDD); Adv. Proc. No. 07-02661 (RDD); Adv. Proc. No. 07-02743 (RDD); Adv. Proc. No. 07-02768 (RDD); Adv. Proc. No. 07-02769 (RDD); 8 Adv. Proc. No. 07-02790 (RDD); Adv. Proc. No. 07-02076 (RDD); 9 10 Adv. Proc. No. 07-02084 (RDD); Adv. Proc. No. 07-02096 (RDD); 11 Adv. Proc. No. 07-02125 (RDD); Adv. Proc. No. 07-02177 (RDD); 12 Adv. Proc. No. 07-02188 (RDD); Adv. Proc. No. 07-02211 (RDD); Adv. Proc. No. 07-02212 (RDD); Adv. Proc. No. 07-02236 (RDD); 13 Adv. Proc. No. 07-02250 (RDD); Adv. Proc. No. 07-02262 (RDD); 14 15 Adv. Proc. No. 07-02270 (RDD); Adv. Proc. No. 07-02291 (RDD); Adv. Proc. No. 07-02328 (RDD); Adv. Proc. No. 07-02337 (RDD); 16 Adv. Proc. No. 07-02348 (RDD); Adv. Proc. No. 07-02432 (RDD); 17 Adv. Proc. No. 07-02436 (RDD); Adv. Proc. No. 07-02449 (RDD); 18 19 Adv. Proc. No. 07-02479 (RDD); Adv. Proc. No. 07-02525 (RDD); 20 Adv. Proc. No. 07-02534 (RDD); Adv. Proc. No. 07-02539 (RDD); 21 Adv. Proc. No. 07-02551 (RDD); Adv. Proc. No. 07-02581 (RDD); 22 Adv. Proc. No. 07-02597 (RDD); Adv. Proc. No. 07-02618 (RDD); 23 Adv. Proc. No. 07-02623 (RDD); Adv. Proc. No. 07-02659 (RDD); 24 Adv. Proc. No. 07-02672 (RDD); Adv. Proc. No. 07-02702 (RDD); 25 Adv. Proc. No. 07-02723 (RDD); Adv. Proc. No. 07-02743 (RDD);

| | - 2 - |
|----|---|
| 1 | Adv. Proc. No. 07-02744 (RDD); Adv. Proc. No. 07-02750 (RDD); |
| 2 | Adv. Proc. No. 07-02188 (RDD) |
| 3 | x |
| 4 | In the Matter of: |
| 5 | DPH HOLDINGS CORP., et al., |
| 6 | Reorganized Debtors. |
| 7 | x |
| 8 | DELPHI CORPORATION, et al., |
| 9 | Plaintiffs, |
| 10 | -against- |
| 11 | SETECH INC., et al., |
| 12 | Defendants. |
| 13 | x |
| 14 | DELPHI CORPORATION, et al., |
| 15 | Plaintiffs, |
| 16 | -against- |
| 17 | DUPONT COMPANY, et al., |
| 18 | Defendants. |
| 19 | |
| 20 | DELPHI CORPORATION, et al., |
| 21 | Plaintiffs, |
| 22 | -against- |
| 23 | ECO-BAT AMERICA LLC, |
| 24 | Defendant. |
| 25 | |
| į | · · · · · · · · · · · · · · · · · · · |

| | - 3 - | |
|-----|---------------------------------|--|
| 1 | x | |
| . 2 | DELPHI CORPORATION, et al., | |
| 3 | Plaintiffs, | |
| 4 | -against- | |
| 5 | GLOBE MOTORS INC., | |
| 6 | Defendant. | |
| 7 | x | |
| 8 | DELPHI CORPORATION, et al., | |
| 9 | Plaintiffs, | |
| 10 | -against- | |
| 11 | PHILIPS SEMICONDUCTOR, et al., | |
| 12 | Defendants. | |
| 13 | x | |
| 14 | DELPHI CORPORATION, et al., | |
| 15 | Plaintiffs, | |
| 16 | -against- | |
| 17 | SUMMIT POLYMERS INC., | |
| 18 | Defendant. | |
| 19 | x | |
| 20 | DELPHI CORPORATION, et al., | |
| 21 | Plaintiffs, | |
| 22 | -against- | |
| 23 | M & Q PLASTIC PRODUCTS, et al., | |
| 24 | Defendants. | |
| 25 | | |

| - | | | | - 4 - | - |
|----|----------------------|-------------|---|-------------|----|
| 1 | | x | | | |
| 2 | DELPHI CORPORATION, | et al., | - | | |
| 3 | | Plaintiffs, | | | |
| 4 | -against- | | | | |
| 5 | RSR CORPORATION, et | al., | | | - |
| 6 | | Defendants. | | | |
| 7 | | x | | | |
| 8 | DELPHI CORPORATION, | et al., | | 1
1
2 | - |
| 9 | | Plaintiffs, | | | |
| 10 | -against- | | | | |
| 11 | RSR/ECOBAT, | 4 | | | |
| 12 | - | Defendant. | | | |
| 13 | | x | | | |
| 14 | DELPHI CORPORATION, | et al., | | | |
| 15 | | Plaintiffs, | | | |
| 16 | -against- | | | | |
| 17 | TYCO et al., | •• | | v | |
| 18 | | Defendants. | | *** | |
| 19 | ·
 | x | | | : |
| 20 | DELPHI CORPORATION, | et al., | | | : |
| 21 | | Plaintiffs, | | | ٠. |
| 22 | -against- | | | | |
| 23 | AHAUS TOOL & ENGINEE | RING INC., | | | |
| 24 | | Defendant. | | | |
| 25 | | x | | 3 | |

| | - 5 - |
|-----|--|
| _ | - 3 - |
| 1 | x |
| 2:. | DELPHI CORPORATION, et al., |
| 3 | Plaintiffs, |
| 4 | -against- |
| 5 | A 1 SPECIALIZED SVC & SUPP., INC., |
| 6 | Defendant. |
| 7 | x |
| 8 | DELPHI CORPORATION, et al., |
| 9 | Plaintiffs, |
| 10 | -against- |
| 11 | A-1 SPECIALIZED SERVICES, |
| 12 | Defendant. |
| 13 | x |
| 14 | DELPHI CORPORATION, et al., |
| 15 | Plaintiffs, |
| 16 | -against- |
| 17 | ATS AUTOMATION TOOLING SYSTEMS INC., et al., |
| 18 | Defendants. |
| 19 | |
| 20 | DELPHI CORPORATION, et al., |
| 21 | Plaintiffs, |
| 22 | -against- |
| 23 | CORNING INC., et al., |
| 24 | Defendants. |
| 25 | x |
| | |

| | - 6 - |
|-----|-------------------------------------|
| 1 | x |
| 2 | DELPHI CORPORATION, et al., |
| . 3 | Plaintiffs, |
| 4 | -against- |
| 5 | CRITECH RESEARCH INC., |
| 6 | Defendant. |
| 7 | x |
| 8 | DELPHI CORPORATION, et al., |
| . 9 | Plaintiffs, |
| 10 | -against- |
| 11 | DOSHI PRETTL INTERNATIONAL, et al., |
| 12 | Defendants. |
| 13 | x |
| 14 | DELPHI CORPORATION, et al., |
| 15 | Plaintiffs, |
| 16 | -against- |
| 17 | D & R TECHNOLOGY LLC, et al., |
| 18 | Defendants. |
| 19 | |
| 20 | DELPHI CORPORATION, et al., |
| 21 | Plaintiffs, |
| 22 | -against- |
| 23 | DSSI, et al., |
| 24 | Defendants. |
| 25 | |

| | | <u> </u> | | · · · · · · · · · · · · · · · · · · · | | | |
|-----|---|-------------|-------------|---------------------------------------|----------|------|---|
| | | | : | | | 7. – | |
| 1 | | | x | | | | |
| 2 | DELPHI CORPORATION, | et al., | | | | | |
| 3 | . 1 | Plaintiffs, | | | | | |
| 4 | -against- | | | | | | . |
| 5 | DANOBAT MACHINE TOOL | CO. INC., | | | | | |
| 6 | I | Defendant. | ÷ | | | | |
| 7 | | | x | | | | |
| 8 | DELPHI CORPORATION, | et al., | | | | | |
| 9 | I | Plaintiffs, | | | | | |
| 10 | -against- | | | | | | |
| 11 | EDS, et al., | | | | | | |
| 12 | E | Defendants. | | | | | |
| 13 | _ = = = = = = = = = = = = = = = = = = = | | x | | | • | |
| 14 | DELPHI CORPORATION, e | et al., | | | - | | |
| 15 | E. | Plaintiffs, | | | | | |
| 16 | -against- | | | | | | |
| 17 | BP, et al., | | | | | | |
| 18 | Ε | Defendants. | i . | | <u>:</u> | | |
| 19 | | | x | • | | | |
| 20 | DELPHI CORPORATION, e | et al., | | | | | |
| 21 | P | Plaintiffs, | | • | | | |
| 22 | -against- | | | | | | |
| 23 | CARLISLE, et al., | | | | | | |
| 24 | D . | efendants. | | | | | |
| 25 | | | x | | | | |
| - 1 | 1 | | | | | | ł |

| | | | | | 8 – |
|----|-------------------------------|----|---|-----|-----|
| 1 | | x | | | |
| 2 | DELPHI CORPORATION, et al., | | | | |
| 3 | Plaintiffs, | | | | |
| 4 | -against- | | | | - |
| 5. | GKNS INTERMETALS, | | | | |
| 6 | Defendant. | | | | |
| 7 | | -x | | | |
| 8 | DELPHI CORPORATION, et al., | | | · · | |
| 9 | Plaintiffs, | | | , | |
| 10 | -against- | | | | |
| 11 | EX-CELL-O MACHINE TOOLS INC., | | | | |
| 12 | Defendant. | | | | |
| 13 | | -x | ٠ | | |
| 14 | DELPHI CORPORATION, et al., | | | | |
| 15 | Plaintiffs, | | | | |
| 16 | ·-against- | | 3 | | |
| 17 | JOHNSON CONTROLS, et al., | | | | |
| 18 | Defendants. | | | | - |
| 19 | | -x | | | ļ |
| 20 | DELPHI CORPORATION, et al., | | | | |
| 21 | Plaintiffs, | | | | |
| 22 | -against- | | 4 | | |
| 23 | NILES USA INC., et al., | | | | |
| 24 | Defendants. | | | | |
| 25 | | -x | | | |

| | - 9 - |
|-----|-----------------------------------|
| 1 | x |
| 2 . | DELPHI CORPORATION, et al., |
| 3 | Plaintiffs, |
| 4 | -against- |
| 5 | METHODE ELECTRONICS INC., et al., |
| 6 | Defendants. |
| 7 | x |
| 8 | DELPHI CORPORATION, et al., |
| 9 | Plaintiffs, |
| 10 | -against- |
| 11 | MICROCHIP, |
| 12 | Defendant. |
| 13 | x |
| 14 | DELPHI CORPORATION, et al., |
| 15 | Plaintiffs, |
| 16 | -against- |
| 17 | HEWLETT PACKARD, et al., |
| 18 | Defendants. |
| 19 | x |
| 20 | DELPHI CORPORATION, et al., |
| 21 | Plaintiffs, |
| 22 | -against- |
| 23 | OLIN CORP, |
| 24 | Defendant. |
| 25 | x |

| | - 11 T g 70+ 01 34+ | |
|------|-----------------------------|---|
| | - 10 - | |
| 1 | | |
| 2 | DELPHI CORPORATION, et al., | |
| 3 | Plaintiffs, | |
| 4 | -against- | |
| 5 | INTEC GROUP, | |
| 6 | Defendant. | |
| 7 | -: | |
| 8 | DELPHI CORPORATION, et al., | İ |
| , 9 | Plaintiffs, | |
| 10 | -against- | |
| 11 | VALEO, et al., | |
| 12 | Defendants. | |
| 13 | | |
| 14 | DELPHI CORPORATION, et al., | |
| 15 | Plaintiffs, | |
| 16 | -against- | |
| 17 | VANGUARD DISTRIBUTORS, | |
| 18 | Defendant. | |
| 19 | | |
| 2,0. | DELPHI CORPORATION, et al., | |
| 21 | Plaintiffs, | |
| 22 | -against- | |
| 23 | VICTORY PACKAGING, et al., | |
| 24 | Defendants. | |
| 25 | | |
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| |) | | | | - 1 | 1 7 | |
|-----|----------------------|-------------|---|---|----------|-----|--|
| 1 | | | x | · | | | |
| 2 | DELPHI CORPORATION, | et al., | | | <i>‡</i> | | |
| 3 | | Plaintiffs, | | | | | |
| 4 | -against- | | | | | | |
| 5 | WAGNER-SMITH COMPAN | IY, | | • | | | |
| 6 | | Defendant. | | | | | |
| 7 | | | x | | | | |
| 8 | DELPHI CORPORATION, | 0+ 2] | i | i | | | |
| 9 | BEHIN CONFORMION, | | | | | | |
| 10 | | Plaintiffs, | | | | • | |
| | -against- | | | | | | |
| 11 | WELLS FARGO BUSINES | | | | | | |
| 12 | | Defendants. | | | | | |
| 13 | | | x | | | • | |
| 14 | DELPHI CORPORATION, | et al., | | | | | |
| 15 | | Plaintiffs, | | | | | |
| 16 | -against- | • | | | | | |
| 17 | SELECT TOOL & DIE CO | ORP., | | | | | |
| 18 | | Defendant. | | | | | |
| 19 | | | x | | | | |
| 2,0 | DELPHI CORPORATION, | et al., | | : | | | |
| 21 | | Plaintiffs, | | | | | |
| 22 | -against- | | | | | | |
| 23 | SHUERT INDUSTRIES IN | NC., | | | | | |
| 24 | | Defendant. | | | | | |
| 25 | | · | x | | | | |
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| 1 | | | | | |
| | | | x | | - |
| 2 | DELPHI CORPORATION, | et al., | - | | |
| 3 | | Plaintiffs, | | | |
| 4 | -against- | | | | |
| 5 | SUMITOMO, et al., | | • | | |
| 6 | · · · · · · · · · · · · · · · · · · · | Defendants. | | · | |
| 7 | | | x | | |
| 8 | DELPHI CORPORATION, | et al | | ! | |
| | DEBTITE CORPORATION, | | | | |
| 9 | | Plaintiffs, | ·
· | | |
| 10 | -against- | • | • | · | |
| 11 | TECH CENTRAL, | | | | |
| 12 | | Defendant. | | | |
| 13 | | | x | , | |
| 14 | DELPHI CORPORATION, | et al., | | | |
| 15 | | Plaintiffs, | | | |
| 16 | -against- | | | | |
| 17 | PRUDENTIAL RELOCATI | ON, et al., | | | |
| 18 | | Defendants. | | | |
| 19 | | | x | | |
| 20 | DELPHI CORPORATION, | et al., | | | |
| 21 | | Plaintiffs, | | | |
| 22 | -against- | | · | | |
| 23 | LDI INCORPORATED, | | | | |
| 24 | · | Defendant. | | | |
| 25 | | | x | | |
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| | | | | - | 13 - | - | |
| 1 | | x | | | r. | | |
| 2 | DELPHI CORPORATION, | et al., | | | | | |
| 3 | | Plaintiffs, | | | | * . | |
| . 4 | -against- | | | | | | |
| <u>, 5</u> | M & Q PLASTIC PRODU | CTS, et al., | | - | | | |
| . 6 | | Defendants. | | | | • | |
| 7 | | · | | | | | |
| 8 | DELPHI CORPORATION, | et al., | | ! | | | |
| 9 | | Plaintiffs, | | | | | |
| 10 | -against- | | | | | | |
| 11 | REPUBLIC ENGINEERED | PRODUCTS, et al., | | | | | |
| 12 | | Defendants. | | | | | |
| 13 | | x | | · | | | |
| 14 | DELPHI CORPORATION, | et al., | | | | | |
| 15 | | Plaintiffs, | | | | | |
| 16 | -against- | | | | | | |
| 17 | RIECK GROUP LLC, | | j | | | : | |
| 18 | | Defendant. | | | | | |
| 19 | | x | | | | | |
| 20 | DELPHI CORPORATION, | et al., | | | | | |
| 21 | | Plaintiffs, | | | 4. | | |
| 22 | -against- | | | | • | | |
| 23 | CRITECH RESEARCH INC | C., | | | | | |
| 24 | | Defendant. | | | | | |
| 25 | | x | · · | • | | | |
| | | | | | | | |

| U.S. Bankruptcy Court 300 Quarropas Street White Plains, New York July 22, 2010 10:20 AM BEFORE: HON. ROBERT D. DRAIN U.S. BANKRUPTCY JUDGE U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | | | - 14 - |
|---|-----|------------------------|--------|
| White Plains, New York July 22, 2010 10:20 AM BEFORE: HON. ROBERT D. DRAIN U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 | 1 | U.S. Bankruptcy Court | 1 |
| July 22, 2010 10:20 AM 10:20 AM BEFORE: HON. ROBERT D. DRAIN U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 2 | 300 Quarropas Street | |
| 5 July 22, 2010 6 10:20 AM 7 8 9 B E F O R E: 10 HON. ROBERT D. DRAIN 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 3 | White Plains, New York | |
| 6 10:20 AM 7 8 9 BEFORE: 10 HON. ROBERT D. DRAIN 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 4 | | |
| 8 9 BEFORE: 10 HON. ROBERT D. DRAIN 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 5 | July 22, 2010 | |
| 9 BEFORE: 10 HON. ROBERT D. DRAIN 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 6 | 10:20 AM | |
| 9 BEFORE: 10 HON. ROBERT D. DRAIN 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 7 | | |
| 10 HON. ROBERT D. DRAIN 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | 8 | | |
| 11 U.S. BANKRUPTCY JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 | . 9 | BEFORE: | 7 |
| 12 13 14 15 16 17 18 19 20 21 22 23 24 | 10 | HON. ROBERT D. DRAIN | |
| 13 14 15 16 17 18 19 20 21 22 23 | 11 | U.S. BANKRUPTCY JUDGE | |
| 14 15 16 17 18 19 20 21 22 23 24 | 12 | | |
| 15 16 17 18 19 20 21 22 23 24 | 13 | | |
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- RE: ADV. PROC. NO. 07-02619 (RDD):
- 3 | HEARING re Setech, Inc.'s Motion to Vacate and to Dismiss
- 4 (Docket No. 20094)

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- 6 | RE: CASE NO. 0544481 (RDD):
- 7 | HEARING re Joinder of E. I. du Pont de Nemours and Company to
- 8 | Motions (I) to Vacate Prior Orders Establishing Procedures for
- 9 | Certain Adversary Proceedings, Including Those Commenced by the
- 10 Debtors Under 11 U.S.C. Sections 541, 544, 545, 547, 548, or
- 11 | 549, and Extending the Time to Serve Process for Such Adversary
- 12 | Proceedings, (II) Pursuant to Fed. R. Civ. P. 12(b) and Fed. R.
- 13 | Bankr. P. 7012(b) Dismissing the Adversary Proceeding with
- 14 | Prejudice, or (III) in the Alternative, Dismissing the
- 15 | Adversary Proceeding on the Ground of Judicial Estoppel (Docket
- 16 No. 19999)

- 18 | RE: ADV. PROC. NO. 07-02242 (RDD):
- 19 | HEARING re Statement Of E. I. Du Pont De Nemours And Company
- 20 And Its Affiliates In Support Of Certain Reply Briefs Filed
- 21 | With Respect To Motions (I) To Vacate Prior Orders Establishing
- 22 | Procedures For Certain Adversary Proceedings, Including Those
- Commenced By The Debtors Under 11 U.S.C. Sections 541, 544,
- 24 545, 547, 548, Or 549, And Extending The Time To Serve Process
- 25 | For Such Adversary Proceedings, (II) Pursuant To Fed. R. Civ.

- 16 -1 P. 12(b) And Fed. R. Bankr. P. 7012(b), Dismissing The Adversary Proceeding With Prejudice, Or (III) In The 2 3 Alternative, Dismissing The Adversary Proceeding On The Ground Of Judicial Estoppel (Docket No. 20323) 5 6 RE: ADV. PROC. NO. 07-02256 (RDD): HEARING re Complaint against Defendant 200A. 7 RE: ADV. PROC. NO. 07-02333 (RDD): HEARING re Replies in Support of Motions (I) to Vacate Prior 10Orders Establishing Procedures for Certain Adversary 11 12 Proceedings, Including Those Commenced by the Debtors Under 11 13 USC Sections:541, 544, 545, 547, 548, or 549, and Extending the Time to Serve Process for Such Adversary Proceedings, (II) 14 Dismissing the Adversary Proceeding with Prejudice, or (III) In 15 16 The Alternative, Dismissing the Adversary Proceeding on the 17 Grounds of Judicial Estoppel (Docket No. 20341) 18 19 RE: ADV. PROC. NO. 07-02580 (RDD): 20 HEARING re Joinder Of Philips Semiconductor, Philips Semiconductors, And Philips Semiconductors, Inc (N/K/A NXP 21 Semiconductors USA, Inc.) To (I) Reply Memorandum Of Law In 22 Support Of Motions Of Affinia, GKN, MSX And Valeo To: (A) 23 Vacate Certain Prior Orders Of The Court; (B) Dismiss The 24 25 Complaint With Prejudice; (C) And (D) Dismiss Claims Based On

- 17 -

1 Assumption Of Contracts; Or (E) In The Alternative, To Require 2 Plaintiffs To File A More Definite Statement And (II) Reply Of HP Enterprise Services, LLC And Affiliates In Support Of Their Motion For An Order Dismissing The Complaint With Prejudice, And Vacating Certain Prior Orders Pursuant To Fed. R. Civ. P. 60 And Fed. R. Bankr. P. 9024 (Docket No. 20353) 6 7 8 ADV. PROC. NO. 07-02661 (RDD): HEARING re Joinder Of Summit Polymers, Inc. To Motions (I) To 10 Vacate Prior Orders Establishing Procedures For Certain Adversary Proceedings, Including Those Commenced By The Debtors 11 Under 11 U.S.C. Sections 541, 544, 545, 547, 548, Or 549, And 12 13 Extending The Time To Serve Process For Such Adversary 14 Proceedings; (II) Dismissing The Adversary Proceeding With Prejudice; Or (III) In The Alternative, Dismissing The 15 Adversary Proceeding On The Ground Of Judicial Estoppel (Docket 16 17 No. 20) 18 19 RE: ADV. PROC. NO. 07-02743 (RDD): HEARING re Joinder Of M&Q Plastic Products L.P. To Motions (I) 20 21 To Vacate Prior Orders Establishing Procedures For Certain 22 Adversary Proceedings, Including Those Commenced By The Debtors Under 11 U.S.C. Sections 541, 544, 545, 547, 548, Or 549, And 23 24 Extending The Time To Serve Process For Such Adversary 25 Proceedings, (II) Dismissing The Adversary Proceeding With

- 19 -

1 . to State a Cause of Action Because it is Insufficiently Pled, 2 and (IV) Dismissing the Adversary Proceeding on the Ground of 3 Judicial Estoppel, and (V) Dismissing the Adversary Proceeding on the Ground of Laches, or (VI) in the Alternative, Pursuant 5 to Fed. R. Civ. P. 12(e) and Fed. R. Bankr. P 7012(e), 6 Directing a More Definite Statement of the Pleadings (Docket No. 20089) 7 RE: CASE NO. 05-44481 (RDD): 10 HEARING re Reply And Joinder In Further Support Of Motion Of 11 Johnson Controls, Johnson Controls Battery Group, Johnson 12 Controls GMBH & Co. KG And Johnson Controls, Inc. To: (A) Vacate Certain Prior Orders Of The Court; (B) Dismiss The 13 14 Complaint With Prejudice; Or (C) In The Alternative, To Dismiss The Claims Against Certain Defendants Named In The Complaint 15 16 And To Require Plaintiffs To File A More Definite Statement 17 (Docket No. 20298) 18 19 RE: CASE NO. 05-44481 (RDD): 20 HEARING re Response of Reorganized Debtors to Motions to Vacate Certain Orders and Dismiss Adversary Actions filed by Eric 21 22 Fisher on behalf of DPH Holdings Corp. et al. 23 24 RE: CASE NO. 05-44481 (RDD): 25 HEARING re Joinder Of Vanquard Distributors, Inc. In Further

-20 -Support Of Motion For Order (I) Vacating Certain Prior Orders; 2 And (II) Dismissing The Adversary Proceeding With Prejudice (Docket No. 20319) RE: CASE NO. 05-44481 (RDD): HEARING re Joinder Of Wells Fargo Bank, N.A. (Named Herein As 7 Wells Fargo Business And Wells Fargo Minnesota) To Replies (I) To Vacate Certain Prior Orders Of The Court Pursuant To Fed. R. 9 Civ. P. 60 And Fed. R. Bankr. P. 9024; (II) To Dismiss The 10 Complaint With Prejudice; (III) To Dismiss The Claims Against 11 Certain Defendants Named In The Complaint; Or (IV) In The 12 Alternative, To Require Plaintiffs To File A More Definite 13 Statement (Docket No. 20338) 14 15 RE: CASE NO. 05-44481 (RDD): 16 HEARING re Reply Memorandum Of Law In Support Of Motions Of Affinia, GKN, MSX And Valeo To: (A) Vacate Certain Prior Orders 17 Of The Court; (B) Dismiss The Complaint With Prejudice; (C) And 18 Dismiss The Claims Against Certain Defendants Named In The 19 Complaint; And (D) Dismiss Claims Based On Assumption Of 20 Contracts; Or (E) In The Alternative, To Require Plaintiffs To 21 22 File A More Definite Statement (Docket No. 20304) 23 24 RE: CASE NO. 05-44481 (RDD):

HEARING re Reorganized Debtors' Supplemental Reply To Response

- 21 -

Of Claimants To Reorganized Debtors' Objections To Proofs Of
Administrative Expense Claim Numbers 18742, 19717, 19719, And
20053 (Docket No. 20397)

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RE: CASE NO. 05-44481 (RDD):

6 HEARING re Reorganized Debtors' Supplemental Reply To Response

On Behalf Of Claimant To Reorganized Debtors' Objection To

Proof Of Administrative Expense Claim Number 19568 Filed On

9 Behalf Of Paullion Roby (Docket No. 20398)

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RE: CASE NO. 05-44481 (RDD):

12 | HEARING re Claim Objection Hearing Regarding Claims of New

13 | Jersey Self-Insurer's Guaranty Association as Objected to on

Reorganized Debtors' Forty-Sixth Omnibus Objection Pursuant To

15 | 11 U.S.C. Section 503(b) And Fed. R. Bankr. P. 3007 To (I)

16 Disallow And Expunge Certain Administrative Expense (A) Books

17 And Records Claims, (B) Methode Electronics Claims, (C) State

18 | Workers' Compensation Claims, (D) Duplicate State Workers'

19 | Compensation Claims, (E) Workers' Compensation Claims, (F)

Transferred Workers' Compensation Claims, (G) Tax Claims, (H)

21 Duplicate Insurance Claims, And (I) Severance Claims, (II)

22 | Disallow And Expunge (A) A Certain Duplicate Workers'

Compensation Claim, (B) A Certain Duplicate Tax Claim, And (C)

A Certain Duplicate Severance Claim, (III) Modify Certain

Administrative Expense (A) State Workers' Compensation Claims

And (B) Workers' Compensation Claims, And (IV) Allow Certain 1 2 Administrative Expense Severance Claims (Docket No. 19711) 3 4 RE: CASE NO. 05-44481 (RDD): 5 HEARING re Notice Of Motion By Methode Electronics, Inc. For An Order (I) Permitting Methode To Continue Post-Petition 6 7 Litigation With The Reorganized Debtors In Michigan And (II) Overruling The Reorganized Debtors' Timeliness Objection To 8 Methode's Administrative Expense Claims (Docket No. 19895) and 10 Supplement To Motion Of Methode Electronics, Inc. For An Order (I) Permitting Methode To Continue Post-Petition Litigation 11 With The Reorganized Debtors In Michigan And (II) Overruling 12 13 The Reorganized Debtors' Timeliness Objection To Methode's 14 Administrative Expense Claims (Docket No. 20274) 15 16 RE: CASE NO. 05-44481 (RDD): 17 HEARING re Joinder In Plaintiffs' Omnibus Response To Motions 18 Seeking, Among Other Forms Of Relief, Orders To Vacate Certain 19 Procedural Orders (Docket No. 20226) 20 21 RE: CASE NO. 05-44481 (RDD): 22 HEARING re Reorganized Debtors' Supplemental Reply With Respect To Proofs Of Administrative Expense Claim Numbers 18602 And 23 24 19712 (New Jersey Self-Insurers Guaranty Association) (Docket 25 No. 20446)

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- 2 | RE: CASE NO. 05-44481 (RDD):
- 3 | HEARING re Notice of Hearing on Proposed Fifty-Seventh Omnibus
- 4 | Hearing Agenda

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- 6 RE: CASE NO. 05-44481 (RDD):
- 7 | HEARING re Notice of Hearing on Proposed Thirty-Fifth Claims
- 8 Hearing Agenda

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- 10 RE: ADV. PROC. NO. 07-02076 (RDD):
- 11 | HEARING re Joinder Of Ahaus Tool & Engineering Inc. To Motions
- 12 | Seeking An Order (I) Pursuant To Fed. R. Civ. P. 60 And Fed. R.
- 13 | Bankr. P. 9024, Vacating Prior Orders Establishing Procedures
- 14 | For Certain Adversary Proceedings, Including Those Commenced By
- 15 The Debtors Under 11 U.S.C. Sections 541, 544, 545, 547, 548,
- 16 Or 549, And Extending The Time To Serve Process For Such
- 17 Adversary Proceedings, (II) Pursuant To Fed. R. Civ. P. 12(b)
- 18 And Fed. R. Bankr. P. 7012(b), Dismissing The Adversary
- 19 | Proceeding With Prejudice, Or (III) In The Alternative,
- 20 Dismissing The Adversary Proceeding On The Ground Of Judicial
- 21 | Estoppel And Replies To Debtors' Omnibus Response To Said
- 22 Motions (Docket No. 20336)

- 24 RE: ADV. PROC. NO. 07-02084 (RDD):
- 25 | HEARING re Motion to Dismiss Adversary Proceeding and for

| 1 | Extending the Time to Serve Process for Such Adversary |
|-----|---|
| 2 | Proceeding with Prejudice, or (III) in the Alternative, |
| 3 | Dismissing the Adversary Proceeding on the Ground of Judicial |
| 4 | Estoppel (Docket No. 20106) |
| 5 | |
| .6 | RE: ADV. PROC. NO. 07-02211 (RDD): |
| 7 | HEARING re Doshi Prettl International's Notice of Motion and |
| 8 | Brief of Defendant to: (A) Vacate Certain Orders of This Court; |
| 9 | and (B) Dismiss the Complaint with Prejudice; or (C) in the |
| 10 | Alternative, to Dismiss the Claims Against Certain Defendants |
| 11 | Named in the Complaint (Docket No. 20093) |
| 12 | |
| 13 | RE: ADV. PROC. NO. 07-02212 (RDD): |
| 14 | HEARING re Joinder of D&R Technology, LLC to Motion (I) To |
| 15 | Vacate Prior Orders Establishing Procedures For Certain |
| 16 | Adversary Proceedings, Including Those Commenced By The Debtors |
| 17 | Under 11 U.S.C. Sections 541, 544, 545, 547, 548, Or 549, And |
| 18 | Extending The Time To Serve Process For Such Adversary |
| 19 | Proceedings, and (II) In The Alternative, Dismissing The |
| 20 | Adversary Proceedings On The Grounds Of Being Barred by the |
| 2,1 | Statute of Limitations and/or Judicial Estoppel |
| 22 | |
| 23 | RE: ADV. PROC. NO. 07-02212 (RDD): |
| 24 | HEARING re Joinder of D&R Technology, LLC To Replies to |
| 25 | Reorganized Debtors Omnibus Response to Motions Seeking, Among |

- 26 -

Other Forms of Relief, Orders to Vacate Certain Procedural 1 2 Orders Previously Entered by This Court and to Dismiss the 3 Avoidance Actions Against the Moving Defendants (Docket No. 4 20344) 5 RE: ADV. PROC. NO. 07-02236 (RDD): 6 7 HEARING re Reply Of DSSI Defendants To The Debtors' Omnibus Response, And Joinder In Further Support Of The Motion Of The 9 DSSI Defendants Seeking An Order (I) Pursuant To Fed. R. Civ. 10 P. 60 And Fed. R. Bankr. P. 9024, Vacating Prior Orders 11Establishing Procedures For Certain Adversary Proceedings, 12 Including Those Commenced By Delphi Corporation, Et Al. Under 13 11 U.S.C. Sections 541, 544, 545, 547, 548, And/Or 549, And 14 Extending The Time To Serve Process For Such Adversary 15 Proceedings; (II) Dismissing The Adversary Proceeding With Prejudice Pursuant To Fed. R. Civ. P. 12(b) And Fed. R. Bankr. 16 17 P. 7012(b) (Docket No. 20325) 18 RE: ADV. PROC. NO. 07-02250 (RDD): 19 20 HEARING re Motion of Danobat Machine Tool Co., Inc. for An 21 Order (i) Pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024, relieving it from the effect of prior orders establishing 22 23 procedures for certain adversary proceedings and extending the time to serve process for such adversary proceedings, and (ii) 24 25 Pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P.

1 Therein filed by James S. Carr on behalf of BP, BP Amoco Corp., BP Microsystems Inc., BP Products North America Inc., Castrol, 3 Castrol Industrial (Docket No. 26) 5 RE: ADV. PROC. NO. 07-02270 (RDD): 6 HEARING re Notice of Hearing filed by Christopher B. Block on Ż behalf of BP Microsystems Inc. RE: ADV. PROC. NO. 07-02291 (RDD): 9 10 HEARING re Motion of Carlisle Companies Incorporated for Judgment on the Pleadings and Joinder to Motions (I) to Vacate 11 12 Prior Orders Establishing Procedures for Certain Adversary 13 Proceedings, Including Those Commenced by the Debtors Under 11 14 U.S.C. Sections 541, 544, 545, 547, 548 or 549, and Extending the Time to Serve Process for Such Adversary Proceedings, (II) 15 1,6 Dismissing the Adversary Proceeding with Prejudice, or (III) in 17 the Alternative, Dismissing the Adversary Proceeding on the 18 Ground of Judicial Estoppel (Docket No. 20082) 19 RE: ADV. PROC. NO. 07-02328 (RDD): 20 21 HEARING re Response to Joinder in Plaintiffs' Omnibus Response to Motions Seeking, Among Other Forms of Relief, Orders to 22 23 Vacate Certain Procedural Orders 24 25

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- 2 RE: ADV. PROC. NO. 07-02337 (RDD):
- 3 | HEARING re Joinder And Reply In Support Of Motion By Ex-Cell-O
- 4 | Machine Tools, Inc. Seeking An Order (I) Pursuant To Fed. R.
- 5 | Civ. P. 60 And Fed. R. Bankr. P. 9024 Vacating Prior Orders
- 6 Establishing Procedures For Certain Adversary Proceedings,
- 7 | Including Those Commenced By The Debtors Under 11 U.S.C.
- 8 | Sections 541, 544, 545, 547, 548, Or 549, And Extending The
- 9 Time To Serve Process For Such Adversary Proceedings; (II)
- 10 Pursuant To Fed. R. Civ. P. 12(b) And Fed. R. Bankr. P. 7012
- 11 Dismissing This Adversary Proceeding With Prejudice; (III) In
- 12 | The Alternative, Dismissing This Adversary Proceeding On The
- 13 | Ground Of Judicial Estoppel; (Iv) In The Alternative,
- 14 Dismissing This Adversary Proceeding On The Ground Of Res
- 15 | Judicata; And (V) In The Alternative, Dismissing This Adversary
- 16 | Proceeding On The Grounds That It Fails To Plead Facts
- 17 | Sufficient To State A Claim For Relief (Docket No. 20361)

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- RE: ADV. PROC. NO. 07-02348 (RDD):
- 20 | HEARING re Motion to Dismiss Adversary Proceeding filed by
- 21 | Kathleen Leicht Matsoukas on behalf of Johnson Controls,
- Johnson Controls Battery Group, Johnson Controls GMBH & Co. KG,
- 23 Johnson Controls Inc.

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- RE: ADV. PROC. NO. 07-02348 (RDD):
- 3 | HEARING re Response to Joinder in Plaintiffs' Omnibus Response
- 4 to Motions Seeking, Among Other Forms of Relief, Orders to
- 5 | Vacate Certain Procedural Orders

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- 7 RE: ADV. PROC. NO. 07-02348 (RDD):
- 8 | HEARING re Reply to Motion filed by Kathleen Leicht Matsoukas
- 9 on behalf of Johnson Controls, Johnson Controls Battery Group,
- 10 Johnson Controls GMBH & Co. KG, Johnson Controls Inc.

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- 12 RE: ADV. PROC. NO. 07-02414 (RDD):
- HEARING re Complaint against Defendant 444A, Defendant 444B

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- 15 RE: ADV. PROC. NO. 07-02432 (RDD):
- 16 | HEARING re Joinder Of Methode Electronics, Inc. To Motions (I)
- 17 To Vacate Prior Orders Establishing Procedures For Certain
- 18 Adversary Proceedings, Including Those Commenced By The Debtors
- 19 Under 11 U.S.C. Sections 541, 544, 545, 547, 548, Or 549, And
- 20 Extending The Time To Serve Process For Such Adversary
- 21 | Proceedings, and (II) In The Alternative, Dismissing The
- 22 Adversary Proceedings On The Grounds Of Being Barred by the
- 23 | Statute of Limitations and/or Judicial Estoppel

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- 2 RE: ADV. PROC. NO. 07-02432 (RDD):
- 3 | HEARING re Replies Of Methode Electronics, Inc. To Reorganized
- 4 Debtors' Omnibus Response To Motions Seeking, Among Other Forms
- 5 Of Relief, Orders To Vacate Certain Procedural Orders
- 6 | Previously Entered By This Court And To Dismiss The Avoidance
- 7 Actions Against The Moving Defendants

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- 9 | RE: ADV. PROC. NO. 07-02436 (RDD):
- 10 | HEARING re Motion by Microchip Technology Incorporated Seeking
- an Order (I) Pursuant to Fed.R.Civ.P.60 and Fed.R.Bankr.P.9024,
- 12 Vacating Prior Order Establishing Procedures for Certain
- 13 Adversary Proceedings, Including Those Commenced by the Debtors
- 14 Under 1 U.S.C. Sections 541, 544, 545, 547, 548, or 549, and
- 15 Extending the Time to Serve Process for Such Adversary
- 16 Proceedings, (II) Pursuant to Fed.R.Civ.P.12(b) and
- 17 | Fed.R.Bankr.R.7012(b), Dismissing the Adversary Proceeding with
- 18 | Prejudice, or (III) In the Alternative, Dismissing the
- 19 Adversary Proceeding on the Ground of Judicial Estoppel filed
- 20 on behalf of Microchip (Docket No. 10)

- 22 | RE: ADV. PROC. NO. 07-02449 (RDD):
- 23 | HEARING re Complaint against Defendant 289A, Defendant 289B,
- 24 Defendant 289C, Defendant 289D, Defendant 289E, Defendant 289F,
- 25 Defendant 289G

32 -1 2 RE: ADV. PROC. NO. 07-02479 (RDD): 3 HEARING re Complaint against Defendant 460A 4 5 RE: ADV. PROC. NO. 07-02525 (RDD): 6 HEARING re Motion to Dismiss Adversary Proceeding /Motion of Defendant The Intec Group, Inc. to Dismiss and Joinder in 8 Hewlett Packard Company and Affiliates' Motion to Dismiss 9 Plaintiffs' Complaint (A. P. 07-02525 Docket No. 21) 10 11 RE: ADV. PROC. NO. 07-02534 (RDD): 12 HEARING re Joinder In Plaintiffs' Omnibus Response To Motions 13 Seeking, Among Other Forms Of Relief, Orders To Vacate Certain 14 Procedural Orders 15 16 RE: ADV. PROC. NO. 07-02539 (RDD): HEARING re Notice of Motion by Vanguard Distributors, Inc. 17 Seeking an Order (I) Pursuant to Fed. R. Civ. P. 12(b) and Fed. 18 19 R. Bankr. P. 7012(b), Dismissing The Adversary Proceeding with 20 Prejudice, and (II) Pursuant To Fed. R. Civ. P. 60 and Fed. R. 21 Bankr., P. 9024, Vacating Prior Orders Establishing Procedures 22 for Certain Adversary Proceeding, Including Those Commenced by 23 Delphi Under 11 U.S.C. Sections 541, 544, 545, 547, 548 and/or 549, and Extending The Time To Serve Process For Such Adversary 24

Proceedings, Or In the Alternative, (III) Dismissing The

- 33 -

1 Adversary Proceeding On The Ground of Judicial Estoppel; and 2 (2) Affidavit in Support of Motion filed on behalf of Vanguard 3 Distributors (Docket No. 24) 4 5 RE: ADV. PROC. NO. 07-02539 (RDD): HEARING re Joinder Of Vanguard Distributors, Inc. In Further 6 7 Support Of Motion For Order (I) Vacating Certain Prior Orders; 8 And (II) Dismissing The Adversary Proceeding With Prejudice 9 (Docket No. 20319) 10 11 RE: ADV. PROC. NO. 07-02541 (RDD): 12 HEARING re Joinder In Plaintiffs' Omnibus Response To Motions 13 Seeking, Among Other Forms Of Relief, Orders To Vacate Certain 14 Procedural Orders 15 16 RE: ADV. PROC. NO. 07-02551 (RDD): 17 HEARING re Notice Of Motion Of Victory Packaging And Victory 18 Packaging LP For An Order (I) Dismissing The Complaint With Prejudice, (II) Vacating Certain Prior Orders Pursuant To Fed. 19 R. Civ. P. 60 And Fed. R. Bankr. P. 9024 and (III) In The 20 21 Alternative, Requiring A More Definite Statement filed on 22 behalf of Victory Packaging, Victory Packaging LP (Docket No. 23 20) 24 25

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- 2 | RE: ADV. PROC. NO. 07-02581 (RDD):
- 3 | HEARING re Motion to Dismiss Adversary Proceeding and Seeking
- 4 | An Order: (I) Pursuant To Fed. R. Civ. P. 60 And Fed. R. Bankr.
- 5 | P. 9024 Vacating Prior Orders Establishing Procedures For
- 6 | Certain Adversary Proceedings, Including Those Commenced By The
- 7 | Debtors Under 11 U.S.C. Sections 541, 544, 545, 547, 548, Or
- 8 | 549, And Extending The Time To Serve Process For Such Adversary
- 9 Proceedings, And (II) Pursuant To Fed. R. Civ. P. 12(b) And
- 10 Fed. R. Bankr. P. 7012(b), Dismissing The Adversary Proceeding
- 11 | With Prejudice, Or (III) In the Alternative, Dismissing The
- 12 Adversary Proceeding

13

- 14 RE: ADV. PROC. NO. 07-02581 (RDD):
- 15 | HEARING re Response of Reorganized Debtors to Motions to Vacate
- 16 | Certain Orders and Dismiss Adversary Actions filed by Cynthia
- J. Haffey on behalf of Delphi Corporation, et al.

18

- 19 | RE: ADV. PROC. NO. 07-02597 (RDD):
- 20 | HEARING re Motion to Dismiss Adversary Proceeding Filed by
- 21 | Jeffrey A. Wurst on behalf of Wells Fargo Business, Wells Fargo
- 22 Minnesota

- 24 | RE: ADV. PROC. NO. 07-02618 (RDD):
- 25 | HEARING re Joinder Of Select Industries, Corp. In Further

- 35 -

1 Support Of Motion For Order (I) Vacating Certain Prior Orders; 2 And (II) Dismissing The Adversary Proceeding With Prejudice 3 (Docket No. 20321) 4 5 RE: ADV. PROC. NO. 07-02623 (RDD): 6 HEARING re Joinder of Shuert Industries, Inc. in Motions to: (I) Vacate Certain Prior Orders of the Court Establishing 8 Procedures for Certain Adversary Proceedings, and (II) Dismiss 9 the Complaint with Prejudice (Docket No. 20036) 10 11 RE: ADV. PROC. NO. 07-02623 (RDD): 12 HEARING re Joinder Of Shuert Industries, Inc. In Replies Of 13 Other Preference Defendants In Support Of Joinder Of Shuert 14 Industries, Inc. In Motions To: (I) Vacate Certain Prior Orders 15 Of The Court Establishing Procedures For Certain Adversary 16 Proceedings, And (II) Dismiss The Complaint With Prejudice 17 (Docket No. 20293) 18 RE: ADV. PROC. NO. 07-02659 (RDD): 19 20 HEARING re Joinder of Sumitomo Corporation and Sumitomo Corp. 21 of America to Motions Filed by Various Preference Defendants to 22 (A) Vacate Certain Prior Orders of the Court; (B) Dismiss the 23 Complaint with Prejudice; or (C) in the Alternative, to Dismiss 24 the Claims Against Certain Defendants Named in the Complaint 25 and to Require Plaintiffs to File a More Definite Statement

- 36 -1 (Docket No. 20086) 3 RE: ADV. PROC. NO. 07-02659 (RDD): 4 HEARING re Motion to Dismiss Adversary Proceeding Or, In The 5 Alternative, For Summary Judgment Filed By Lorraine S. McGowen on Behalf of SUMCO USA Sales Corporation f/k/a Sumitomo Sitix 7 Inc. 8 RE: ADV. PROC. NO. 07-02659 (RDD): HEARING re Joinder In Plaintiffs' Omnibus Response To Motions 10 Seeking, Among Other Forms Of Relief, Orders To Vacate Certain 11 12 Procedural Orders 13 RE: ADV. PROC. NO. 07-02672 (RDD): 14 15 HEARING re Joinder Of Tech Central In Motions To: (I) Vacate 16 Certain Prior Orders Of The Court Establishing Procedures For 17 Certain Adversary Proceedings; (II) Dismiss The Complaint With 18 Prejudice; Or (III) In The Alternative, To Require Plaintiffs 19 To File A More Definitive Statement (Docket No. 27) 20 21 RE: ADV. PROC. NO. 07-02702 (RDD): 22 HEARING re Joinder Of Prudential Relocation, Prudential 23 Relocation Inc. And Prudential Relocation Int'l To Reply Papers 24 Filed In Motions (I) To Vacate Prior Orders Establishing 25 Procedures For Certain Adversary Proceedings, Including Those

- 37 -1 Commenced By The Debtors Under 11 U.S.C. Sections 541, 544, 2 545, 547, 548, Or 549, And Extending The Time To Serve Process For Such Adversary Proceedings, (II) Dismissing The Adversary 3 4 Proceeding With Prejudice, Or (III) In The Alternative, 5 Dismissing The Adversary Proceeding On The Ground Of Judicial 6 Estoppel (Docket No. 26) 7 8 RE: ADV. PROC. NO. 07-02723 (RDD): HEARING re Motion to Dismiss Adversary Proceeding 9 10 11 RE: ADV. PROC. NO. 07-02743 (RDD): 12 HEARING re Motion of M&Q Plastic Products L.P. Seeking an Order 13 (I) Dismissing the Complaint with Prejudice; (II) Vacating Certain Prior Orders Pursuant to Fed. R. Civ. P. 60 and Fed. R. 14 15 Bankr. P. 9024; and (III) in the Alternative, Requiring a More 16 Definite Statement (Docket No. 20098) 17 18 RE: ADV. PROC. NO. 07-02744 (RDD): 19 HEARING re Motion to Dismiss Adversary Proceeding and Vacate 20 Certain Prior Orders filed on behalf of Republic Engineered 21 Products (Docket No. 19) 22 23 RE: ADV. PROC. NO. 07-02750 (RDD): 24 HEARING re Motion to Dismiss Case filed on behalf of Rieck 25 Group LLC (Docket No. 24)

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| 2 | RE: ADV. PROC. NO. 07-02188 (RDD): |
| 3 | HEARING re Joinder of Critech Research Inc. to Motions (I) to |
| 4 | Vacate Prior Orders Establishing Procedures for Certain |
| 5 | Adversary Proceedings, Including Those Commenced by the Debtors |
| 6 | Under 11 U.S.C. Sections 541, 544, 545, 547, 548, or 549, and |
| 7 | Extending the Time to Serve Process for Such Adversary |
| 8 | Proceeding with Prejudice, or (III) in the Alternative, |
| 9 - | Dismissing the Adversary Proceeding on the Ground of Judicial |
| 10 | Estoppel (Docket No. 20106) |
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| 1 | statute of limitations runs, why would I ever think? So |
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| 2 | THE COURT: What about the disclosure statement which |
| 3 | did to go every creditor? |
| 4 | MR. WINSTEN: Well, but the disclosure statement |
| 5 | doesn't say you've been sued. It doesn't say who's been sued. |
| 6 | THE COURT: It merely says we've reserved this right. |
| 7 | MR. WINSTEN: It says unknown people have been sued. |
| 8. | They're telling they want everybody in the dark, and that puts |
| 9 | me at inquiry where I'm at risk? That doesn't seem right, Your |
| 10 | Honor. That just doesn't seem fair. This is I think this |
| 11 | is still America. It doesn't work that way. It's not my fault |
| 12 | they wanted to keep me in the dark. It's not my problem they |
| 13 | wanted to keep me in the dark. It's their problem. |
| 14 | THE COURT: Well, I guess the issue is, are you really |
| 15 | in the dark? I mean, it may depend on the size of the transfer |
| 16 | that went to you within ninety days of the petition date. |
| 17 | MR. WINSTEN: Your Honor |
| 18 | THE COURT: I mean, usually, when a really big |
| 19 | customer files or not usually but it often happens that |
| 20 | if a really big customer files, a vendor will check to see what |
| 21 | transfers they got in the first ninety days |
| 22 | MR. WINSTEN: Let's assume |
| 23 | THE COURT: before the petition. |
| 24 | MR. WINSTEN: that's true. Let's take that |
| 25 | hypothetical. Let's assume I'm a really big creditor. I got |

- 151 -

ten million --

THE COURT: Well, not necessarily a big creditor. You know, you just have a relationship and you may have -- you want to see whether we got a big payment within ninety days.

MR. WINSTEN: Let's assume I got one. Let's assume I got ten million dollars, out of the ordinary course. All right? Arguably out of the ordinary course — within the ninety days. Delphi just filed. Oh, my God. I reserve for that ten million. The two years goes by and they never sue. I now, on reserve, I go live my life. Two and a half years later, I get a complaint.

THE COURT: Well, but there's a missing step. Should that person be said to have been on notice if they got the disclosure statement that said Delphi has reserved?

MR. WINSTEN: How can you be, Your Honor? How is it fair -- how is it right to say I should have been on notice because they said they've sued unspecified people -- they won't tell me who they are -- who are a small subset, when their admitted purpose was to keep me in the dark? Why am I now on a heightened level of inquiry, when they're telling you their goal is to keep me in the dark?

THE COURT: Well, at the same time, though, you weren't necessarily in the dark.

MR. WINSTEN: I guess what I -- Your Honor, I don't get that argument. I really don't. I hear you saying it. But

| if you look at it and you say wait a minute, you've got a |
|---|
| plaintiff who's intentionally trying to keep them in the dark, |
| and now we're going to bend over backwards to try to figure out |
| if maybe they might have had an inkling because there were 800 |
| cases filed under seal out of 11,000, and maybe that was one of |
| them, and therefore they're charged with knowledge that it's a |
| possibility, and therefore and therefore, that seems |

THE COURT: Again, it seems to me, the issue should be, there were none that were served as opposed to that were under seal. Because again, I -- it's as easy -- it's probably easier to inquire about whether I'm one of the 800 than to go searching the docket.

MR. WINSTEN: Well, okay. Well, they don't claim by -- I mean, they don't say how many people inquired. And given the --

THE COURT: Well, let me ask you -- let's just say someone did inquire and they were told they're on the docket. I know you're saying your clients didn't do this. But say someone did. They say there were people who did that. Why should they have their motion to dismiss granted?

MR. WINSTEN: That's a very good point. Let me answer it this way. First, all five of my sets of clients have affidavits in --

THE COURT: No, I know. Yours are not in this -MR. WINSTEN: -- they didn't know.

- 153 -

| 1 | ~ | THE | COURT: |
yours | are | not | in | this | group. | |
|---|---|-----|--------|-----------|-----|-----|----|------|--------|--|
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MR. WINSTEN: We filed a motion. The way the adversary system works is they're supposed to respond. There's not one word from them --

THE COURT: No, no. No, that's not -- again, you're talking for like a whole group here, so --

MR. WINSTEN: Okay.

THE COURT: -- I'm talking now about those who did inquire.

MR. WINSTEN: From 177 -- or rather for the 83 moving parties, it was incumbent upon Delphi, if they claim that any of those 83 moving parties had inquired, to tell this Court that they were on notice. This was their opportunity. They haven't said that. Therefore, for purposes of this hearing, none of the 83 inquired.

THE COURT: Okay.

MR. WINSTEN: Well, I think once Mr. Fisher responds on the 4(m) statute of limitations argument, we're going to need to figure out some organization on the remaining issues, the Iqbal, the abandonment, the res judicata and the no notice whatsoever on due process.

THE COURT: Okay. Why don't we deal with the last point. There's nothing in the response that says that any particular movant actually had actual notice, right?

MR. FISHER: But I think, Your Honor, the question of

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actual notice -- the question of actual notice is a fact question. The question of what went out by e-mail, that can be resolved by reference to affidavits of service. But the question of whether any defendant that was in receipt of a preference payment knew that this procedure was going on and knew that it might be among the named defendants is a fact question.

THE COURT: Well, what about those people who submitted affidavits that say that they didn't know? Those are uncontroverted, right?

MR. FISHER: Without the benefit of taking their deposition, which was not something that we were going to engage in, in advance of a hearing on a motion to dismiss, there's no way to know whether they had actual notice or not, whether they knew or should have known about these motions. I don't think that that's something that can properly be addressed on a motion to dismiss, Your Honor.

THE COURT: Okay.

MR. FISHER: Your Honor asked about Zapata. And I just wanted to turn to Zapata for a moment, because as Your Honor pointed out, in footnote 7, Judge Jacobs leave open, of course, the question of what would happen where a lower court approves a 4(m) extension, even without good cause. But of course, here we have an express finding of good cause. Your Honor found that on the record after hearing the motion for

EXHIBIT 9



FOCUS - 1 of 5 DOCUMENTS

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October 2, 2007 Tuesday

SECTION: RESTRUCTURING

LENGTH: 605 words

HEADLINE: Delphi Files Secret Preference Claims

BYLINE: Stephen Taub

BODY:

Behind the cover of sealed documents, the bankrupt company sues vendors and others to recoup alleged improper payments.

Bankrupt Delphi Corp. filed more than 700 lawsuits against vendors, other companies and individuals over the weekend, seeking recovery of payments that may have been made outside the ordinary course of business, the Associated Press reported.

However, the names of those being sued are not public knowledge, for the time being. In August, Delphi received permission from U.S. Bankruptcy Judge Robert Drain to seal the lawsuits, since defendants could be alienated if they knew they were being sued, noted the wire service.

The suits targeted up to \$5.5 billion in possibly questionable payments made before the auto parts supplier filed for Chapter 11 in October 2005, according to the AP report. The lawsuits, also called preference claims, are filed by trustees of bankrupt companies against the ailing company's vendors, and the defendants tend to be unsecured trade creditors.

Governed by the U.S. Bankruptcy Code, preference claims are meant to prevent an insolvent company from favoring one creditor at the expense of another. Basically, the bankrupt company has the right to sue vendors to force them to return payments that were made within 90 days of the bankruptcy filing. While the law's rationale may not make immediate sense, its aim is clear. Its purpose is to stop failing companies from doling out payments to preferred vendors just before they go broke.

Under the law, a trustee must file a preference claim within two years of the company's Chapter 11 filing, in most cases. But trustees usually wait until the last possible moment to file a preference suit so as not to ruin the company's relationship with vendors while negotiating bankruptcy settlements with them. Indeed, if the company emerges from Chapter 11, it will need strong vendor relationships to keep the operation viable.

Page 2

Delphi Files Secret Preference Claims CFO.com October 2, 2007 Tuesday

"The reason Delphi is filing the lawsuits is because its two-year statute of limitation [for preference claims] is running out," posited Hal Schaeffer, president of D&H Credit Services, a trade credit analysis firm that specializes in preference claims research. Delphi requested that the suits be kept sealed while it makes a determination about whether to proceed with the claim, he speculated. "Some companies in Chapter 11 really don't want to go after preference claims unless a gun is held to their head," added Schaefer.

Calling the move "unusual," Schaeffer said he commends Delphi for coming up with the "unique idea" of sealing the suits, and expects that other companies may try the same legal strategy in the future. However, he added that the secret lawsuits should "scare the heck out of vendors." If Delphi doesn't do well with its reorganization—that is, if the company is negotiating a low return for creditors—the automotive supplier may be forced to pursue the preference claims to increase the pot of cash it uses to pay back creditors.

Nevertheless, Delphi said in the lawsuits that it has no intention of pursuing the claims as long as its emergence from bankruptcy--currently anticipated for January 2008--proceeds as planned, according to AP. If the reorganization plan were to go awry, Delphi would serve the secret lawsuits to their targets.

Reportedly, Delphi could file as many as 1,650 secret lawsuits, each seeking to recoup a minimum of \$250,000 in allegedly improper payments to vendors and insiders. Some of the suits could target Delphi insiders, including top executives, members of the board, and major shareholders who received favorable financial treatment from the company.

LOAD-DATE: October 8, 2007

EXHIBIT 10

From: nysbinfo@nysb.uscourts.gov Date: October 2, 2009 5:41:37 PM EDT

To: courtmail@nysb.uscourts.gov

Subject: 05-44481-rdd Motion to Extend Time

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U.S. Bankruptcy Court

Southern District of New York

Notice of Electronic Filing

The following transaction was received from John Wm. Butler entered on 10/2/2009 at 5:41 PM and filed on 10/2/2009

Case Name:

Delphi Corporation

Case Number:

05-44481-rdd

Document Number: 18952

Docket Text:

Supplemental Motion to Extend Time Supplemental Motion Pursuant To Fed. R. Bankr. P. 7004(a) And 9006(b)(1) And Fed. R. Civ. P. 4(m) To Extend Deadline To Serve Process For Avoidance Actions Filed In Connection With Preservation Of Estate Claims Procedures Order filed by John Wm. Butler Jr. on behalf of Delphi Corporation. with hearing to be held on 10/22/2009 at 10:00 AM at Courtroom 610 (RDD) Responses due by 10/15/2009, (Attachments: #(1) Proposed Order) (Butler, John)

The following document(s) are associated with this transaction:

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 829 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 830 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 832 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 833 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 834 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 835 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 836 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 837 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 838 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 839 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 840 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 841 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 843 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 844 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 845 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 846 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 847 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 851 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 853 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 854 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 855 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 858 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 859 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 863 of 944

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05-44481-rdd Doc 21571-3 Filed 09/13/11 Entered 09/13/11 20:15:40 Exhibits 1 - 11 Pg 890 of 944

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EXHIBIT 11

IN THE UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

| - X | |
|-----|-------------------------|
| : | |
| : | Chapter 11 |
| : | |
| : | Case No. 05-44481 (RDD) |
| : | |
| : | (Jointly Administered) |
| : | |
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AFFIDAVIT OF SERVICE

I, Evan Gershbein, being duly sworn according to law, depose and say that I am employed by Kurtzman Carson Consultants LLC, the Court appointed claims and noticing agent for the Debtors in the above-captioned cases.

On August 6, 2007, I caused to be served the documents listed below (i) upon the parties listed on <u>Exhibit A</u> hereto via overnight delivery, (ii) upon the parties listed on <u>Exhibit B</u> hereto via electronic notification and (iii) upon the parties listed on <u>Exhibit C</u> hereto via postage pre-paid U.S. mail:

- 1) Order Authorizing And Approving Delphi-Appaloosa Equity Purchase And Commitment Agreement Pursuant To 11 U.S.C §§ 105(a), 363(b), 503(b), And 507(a) ("Delphi-Appaloosa Investment And Plan Support Order") (Docket No. 8856) [a copy of which is attached hereto as Exhibit D]
- 2) Sixth Amended Order Suspending Further Proceedings On Debtors' Motion For Order Under 11 U.S.C § 1113(c) Authorizing Rejection Of Collective Bargaining Agreements And Authorizing Modification Of Retiree Welfare Benefits Under 11 U.S.C. § 1114(g) ("Sixth Amended Section 1113 And 1114 Proceedings Suspension Order") (Docket No. 8880) [a copy of which is attached hereto as Exhibit E]
- 3) Expedited Motion For Order Under 11 U.S.C. §§ 102(1)(A), 105(a), 107, 108(a)(2), And 546(a) And Fed. R. Bankr. P. 7004, 9006(c), And 9018 (i) Authorizing Debtors To Enter Into Stipulations Tolling Statute Of Limitations With Respect To Certain Claims, (ii) Authorizing Procedures To Identify Causes Of Action That Should Be Preserved, And (iii) Establishing Procedures For Certain Adversary Proceedings Including Those Commenced By Debtors Under 11 U.S.C. § 541, 544, 545, 547, 548, Or 553 ("Preservation Of Estate Claims Procedures Motion") (Docket No. 8905) [a copy of which is attached hereto as Exhibit F]

- 4) Expedited Motion For Order Under 11 U.S.C. §§ 363, 1113, And 1114 And Fed. R. Bankr. P. 6004 And 9019 Approving (I) Memoranda Of Understanding Among IUOE, IBEW, IAM, Delphi, And General Motors Corporation Including Modification Of IUOE, IBEW, And IAM Collective Bargaining Agreements And Retiree Welfare Benefits For Certain IUOE, IBEW, And IAM-Represented Retirees And (II) Modification Of, And Term Sheet Regarding, Retiree Welfare Benefits For Certain Non-Represented Hourly Active Employees And Retirees ("IUOE, IBEW, And IAM 1113/1114 Settlement And Retiree Benefit Approval Motion") (Docket No. 8906) [a copy of which is attached hereto as Exhibit G]
- 5) Expedited Motion For Order Under 11 U.S.C. §§ 363, 1113, And 1114 And Fed. R. Bankr. P. 6004 And 9019 Approving Memorandum Of Understanding Among IUE-CWA, Delphi, And General Motors Corporation Including Modification Of IUE-CWA Collective Bargaining Agreements And Retiree Welfare Benefits For Certain IUE-CWA-Represented Retirees ("IUE-CWA 1113/1114 Settlement Approval Motion") (Docket No. 8907) [a copy of which is attached hereto as Exhibit H]

On August 6, 2007, I caused to be served the document listed below (i) upon the parties listed on <u>Exhibit I</u> hereto via overnight delivery and (ii) upon the parties listed on Exhibit J hereto via electronic notification:

6) Order Authorizing And Approving Delphi-Appaloosa Equity Purchase And Commitment Agreement Pursuant To 11 U.S.C §§ 105(a), 363(b), 503(b), And 507(a) ("Delphi-Appaloosa Investment And Plan Support Order") (Docket No. 8856) [a copy of which is attached hereto as Exhibit D]

On August 6, 2007, I caused to be served the documents listed below upon the parties listed on Exhibit K hereto via overnight delivery:

- 7) Sixth Amended Order Suspending Further Proceedings On Debtors' Motion For Order Under 11 U.S.C § 1113(c) Authorizing Rejection Of Collective Bargaining Agreements And Authorizing Modification Of Retiree Welfare Benefits Under 11 U.S.C. § 1114(g) ("Sixth Amended Section 1113 And 1114 Proceedings Suspension Order") (Docket No. 8880) [a copy of which is attached hereto as Exhibit E]
- 8) Expedited Motion For Order Under 11 U.S.C. §§ 363, 1113, And 1114 And Fed. R. Bankr. P. 6004 And 9019 Approving (I) Memoranda Of Understanding Among IUOE, IBEW, IAM, Delphi, And General Motors Corporation Including Modification Of IUOE, IBEW, And IAM Collective Bargaining Agreements And Retiree Welfare Benefits For Certain IUOE, IBEW, And IAM-Represented Retirees And (II) Modification Of, And Term Sheet

Regarding, Retiree Welfare Benefits For Certain Non-Represented Hourly Active Employees And Retirees ("IUOE, IBEW, And IAM 1113/1114 Settlement And Retiree Benefit Approval Motion") (Docket No. 8906) [a copy of which is attached hereto as <u>Exhibit G</u>]

9) Expedited Motion For Order Under 11 U.S.C. §§ 363, 1113, And 1114 And Fed. R. Bankr. P. 6004 And 9019 Approving Memorandum Of Understanding Among IUE-CWA, Delphi, And General Motors Corporation Including Modification Of IUE-CWA Collective Bargaining Agreements And Retiree Welfare Benefits For Certain IUE-CWA-Represented Retirees ("IUE-CWA 1113/1114 Settlement Approval Motion") (Docket No. 8907) [a copy of which is attached hereto as Exhibit H]

| Dated: August 1 | 0, 2007 |
|--------------------------------------|--|
| _ | /s/ Evan Gershbein |
| | Evan Gershbein |
| State of Californ
County of Los A | |
| Evan Gershbein | sworn to (or affirmed) before me on this 10th day of August, 2007, by, personally known to me or proved to me on the basis of satisfactory ne person who appeared before me. |
| Signature: | s/Leanne V. Rehder |

Commission Expires: 6/2/08

EXHIBIT A

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Page 3 of 3

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age 1 of 20

8/9/2007 11:52 AM Email

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2 of 3

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Page 3 of 3